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THE STRUGGLE FOR AUTHORITY IN THE NINETEENTH
CENTURY SHI'ITE COMMUNITY:
THE EMERGENCE OF THE INSTITUTION OF *MARJA'I TAQLID*

Ahmad Kazemi Moussavi

A Thesis submitted to the
Faculty of Graduate Studies and Research
in partial fulfillment of the requirements
for the degree of Doctor of Philosophy

Institute of Islamic Studies
McGill University

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ABSTRACT

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Title: The Struggle for Authority in the Nineteenth Century Shi'ite Community: The Emergence of the Institution of *Marja'-i Taqlid*

Degree: Ph. D.

Department: Institute of Islamic Studies, McGill University

The Shi'ite orthodoxy, represented by the Usuli trend, introduced a new institution, i.e. *marja'-i taqlid*, in the middle of the thirteenth/nineteenth century when the struggle for the authority of the Imam was heightened by the representatives of speculative thought in Shi'ism. This institution combined the status of the most learned *mujtahid* with the charisma derived from the vicegerency of the Imam of the Age without committing itself to miraculous performances or directly jeopardizing the ruling establishments. The Usuli orthodoxy successfully fought the Akhbaris' detachment from the formal bases of argumentation on the one hand and the direct pretension to the authority of the Imam by the Sufis and Shaykhis on the other hand. The Usulis not only placed the *marja'-i taqlid* at the head of the Shi'ite learned hierarchy, but gave his pronouncements as of binding authority for the community. *Marja'-i taqlid* benefited from the growth of popular religion among post-Safavid Iranians whose religious alms and charities guaranteed the financial independence of the supreme *mujtahids*. *Marja'-i taqlid* played important roles in the socio-political development of the Shi'ite people of Iran and Iraq either by legitimizing their constitutional and reformist movements or opposing colonialist and Westernizationist processes. However, in practice, the institution of *marja'iyat* escaped any attempts to embed the institution into the constitutional system or into any formal structure of juristic hierarchy.

RÉSUMÉ

Auteur: Ahmad Kazemi Moussavi

Titre: La lutte pour le pouvoir au 19^{ème} siècle dans la communauté shi'ite:
L'Emergence de l'institution du *Marja'-i Taqlid*

Diplome: Ph. D.

Department: Institut des Etudes Islamiques, Université McGill

L'orthodoxie shi'ite représentée par la tendance usulie, introduisit une nouvelle institution, le *marja'-i taqlid*, au milieu du 13^{ème}/ 19^{ème} siècle alors que la lutte pour consolider l'autorité de l'Imam était accentuée par les représentants shi'ites de la pensée spéculative. Cette institution combinait la position du plus instruit des *mujtahids* avec le charisme provenant de la vice-régence de l'Imam de l'époque sans se compromettre en produisant des miracles, ni en mettant directement en danger les pouvoirs établis.

L'orthodoxie usulie combattait l'indifférence des akhbaris vis-à-vis les bases de l'argumentation formelle d'une part, et la prétention directe des sufis et des shaykhis sur l'autorité de l'Imam d'autre part. Les usulis non seulement mettaient le *marja'-i taqlid* à la tête de la hiérarchie shi'ite, mais faisaient de ses déclarations une source engageante d'autorité pour la communauté. Le *marja'-i taqlid* bénéficia de l'accroissement de la religion populaire parmi les iraniens post-safavides dont les aumônes religieuses et les dons garantissaient l'indépendance financière des *mujtahids* suprêmes. Le *marja'-i taqlid* joua des rôles importants dans le développement socio-politique des shi'ites de l'Iran et de l'Irak soit en légitimisant leurs mouvements réformistes et constitutionnels ou en opposant le colonialisme et l'occidentalisation. Néanmoins, dans les faits, l'institution du *marja'-i taqlid* échappa à toutes les tentatives d'insérer l'institution dans un système constitutionnel ou dans une structure d'hiérarchie juridique.

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NOTES ON TRANSLITERATION AND DATES

The system of transliteration used for the Persian and Arabic words is that of the Institute of Islamic Studies, with certain modifications. Words which are anglicized, such as "ulama" and "Sufi", or which occur frequently in the text, such as Usuli and Akhbari, appear without diacritical marks unless they are used in a Persian or Arabic phrase such as *Qiṣaṣ al-ʿulamāʾ*. The English equivalents of foreign words are mentioned in brackets or explained within the context. Words which are common to Persian and Arabic are rendered according to the context in which they have been used; therefore, for the most part they are transcribed according to their Arabic pronunciations.

Names of the classical and medieval authors are, in the first usage, rendered with full titles and according to the Arabic context in which they appeared, such as Shaykh al-Ṭāʾifa Muḥammad b. al-Ḥasan al-Ṭūsī and Shaykh Yūsuf b. Aḥmad al-Baḥrānī. For all subsequent usages they will appear in short form and without the definite article, "al", e.g. Shaykh Ṭūsī, Baḥrānī. The anglicized form "Shi'ite" has been chosen to mean Ithnā ʿasharī Shiʿi. However, "Shi'a", "Shi'i", "Imami" are also used to convey the same meaning.

Dates have generally been cited according to the lunar Islamic date followed by the Christian date. Nevertheless, for the contemporary period, dates have been recorded in the text according to the solar Islamic calendar and marked with "sh".

INTRODUCTION

The development of Shi'ite learned institutions entered a new phase in the nineteenth century when there appeared a supreme source for emulation (*marja'-i taqlid*) at the head of the Twelver Shi'ite juridical hierarchy. This position, which has no counterpart in Sunni Islam, played a significant role in the contemporary history of Shi'ite thought. This study examines the emergence of this institution out of a long and continuous struggle for the authority of the just ruler (the Imam) between the representatives of speculative thought in Shi'ism.

The informal structure of Shi'ite learned institutions obscured the birth of both the concept and the institution of *marja'-i taqlid* for a number of modern authors¹ some of whom considered the whole Shi'ite hierarchy and even the very definition of the ulama to be unstructured and ambiguous.² This, in fact, demonstrates the necessity of further investigation concerning the structure of authority among the Shi'ite ulama. The development of Shi'ite learned institutions, especially that of the *marja'iyat* was approached by modern writers with different juridical, historical and sociological perspectives. This study, however, is essentially concerned with the juridical context

¹See J. Calmard, "Marja'-i Taqlid," *Encyclopædia of Islam*, New Edition (Leiden, E.J. Brill, 1989+), v.6.F.107-108., p. 552; Abdul-Hadi Ha'iri, "Shi'ism and Constitutionalism: A Study of the Life and Views of Muḥammad Husayn Nā'inī," Ph.D. Dissertation, (Montreal: McGill University, 1973), pp. 124-130; M. J. Fischer, *Iran: From Religious Dispute to Revolution* (Cambridge: Harvard University Press, 1980), pp., 252-54.

²See Roy Mottahedeh, *Loyalty and Leadership in an Early Islamic Society* (Princeton: Princeton University Press, 1980), pp. 136-138; Abbas Amanat, "In Between the Madrasa and Marketplace: The Designation of Clerical Leadership in Modern Shi'ism," *Authority and Political Culture in Shi'ism*, ed. Said Amir Arjomand (Albany: State University of New York Press, 1988), pp. 98-102.

of the advent of the *marjaʿiyyat* with due reference to its historical and doctrinal backgrounds and developments.

The notion of *marjaʿ* as a source for reference appeared in the Shiʿite traditions collected in the fourth/tenth century where the Imams referred their followers to the Shiʿite tradition-reporters (the ulama) whenever an Imam was not accessible.³ These traditions vested the ulama with some of the Imam's authority as his vicegerent in the Shiʿite community. Thus, the idea of reference to the ulama appeared on a par with that of vicegerency of the Imam (*niyāba*) in Shiʿite traditions. However, it does not mean that the Shiʿi jurists were addressed as *marjaʿ* at this stage nor did this notion bear any conceptualized meaning other than customary reference. The *marjaʿ*, as a referential model for his followers is peculiar to the thirteenth/nineteenth century Shiʿite community.⁴

The notion of *taqlīd*, in its rudimentary form can also be found in the above mentioned tradition reports, but in its technical sense, i.e. following the speculative

³There are at least 47 traditions which authorized the ulama in their role as "qadi", "proof" (*hujja*) and "our tradition reporters" (*ruwāt ḥadīthinā*). See Muḥammad b. al-Ḥusayn al-Ḥurr al-ʿAmilī, *Wasāʾil al-Shiʿa*, 20 vols. (Tehran: Islāmīya, 1967), v.18, pp. 98-111. However, the three following traditions are held to be most assertive for the referential position of the ulama: i) the "noble decree" (*al-tawqīʿ al-Sharīf*) on the authority of the Twelfth Imam: "In the case of new events, you should turn for guidance to those who relate our traditions, because they are my proof to you, as I am God's proof to them." See Muḥammad b. ʿAlī b. Mūsā Ibn Bābūya al-Ṣadūq, *Ikmāl al-Dīn wa Itmām al-Niʿma* (Tehran: Islāmīya, 1959), pp. 160-61. ii) The acceptable tradition of Ibn Ḥanzala on the authority of the Sixth Imam: "I assigned those who report our tradition as ruling judge (*ḥākim*) among you. They know our injunctions concerning what is permitted and prohibited; thus people should comply with their rulings." See Muḥammad b. Yaʿqūb al-Kulaynī al-Rāzī, *al-Uṣūl min al-Kāfi*, 4 vols., ed. M.B. Kamaraʾī (Tehran: Islāmīya, 1962), v.1., p. 113. iii) The tradition of Abū Khadija on authority of the Sixth Imam who addressed his community: "Designate as judge someone among you who is acquainted with our injunctions concerning what is permitted and prohibited; for I appoint such a man as judge over you." See Shaykh al-Ṭāʾifa Muḥammad b. al-Ḥasan al-Ṭūsī, *Tahdhīb al-Aḥkām*, 10 vols., ed. H. Mūsavi Khursān (Najaf: Dār al-Kutub al-Islāmīya, 1961), v.6., p. 303.

⁴See below, Part II, Chapter Three.

opinion of a *mujtahid* in the absence of a specific legal rule it appears in the post-Mongol period with the Shi'ite school of Hilla providing new definition for both *taqlid* and its counter-part, *ijtihad*.⁵ The juxtaposition of *taqlid* with *marja'* and the advent of the concept of *marja'iyat-itaqlid* in Shi'ite juridical thought, are developments of the thirteenth/nineteenth century during which the Usuli structure of the religious hierarchy proposed the obligation of following both the legal opinions and rulings of the most learned *mujtahid* as a referential model.⁶ It was approximately thirty five years after the time when the notion of *marja'iyat* was propounded in the juridical writings of the Qajar ulama,⁷ that the office of *marja'iyat* was institutionalized and Shaykh Muḥammad Ḥasan Najafī (d.1266/1850) was singled out as the sole *marja'* of the Shi'ite community in 1262/1846. Najafī, aware of his institutional responsibilities, introduced Shaykh Murtaḍā Anṣārī (d.1281/1864) as his successor; nevertheless, the informality of the hierarchy, which was rooted in the very structure of authority in Shi'ism, made this institution return to its collective basis after the death of Anṣārī. Although, generally aiming at the presence of an individual at the head of the hierarchy, the Shi'ite ulama informally adopted a system of leadership composed alternately of collective and individual representation. They managed to minimize their internal differences threatening to destroy the institution of *marja'iyat* which had never been protected by formal rules.⁸

The institution of *marja'iyat* provided a solution to the the socio-political problems facing the Shi'ite people during the last two centuries. *Marja's* played

⁵See below, Part II, Chapter One.

⁶Ibid.

⁷Mirzā Abū'l-Qāsim Qummī (d.1231/1815) presented one of the earliest accounts of *marja'iyat*. See below Part II, Chapter Three.

⁸See below, Part II, Chapter Three.

important roles in the constitutional and anti-imperialist movements of Iran and Iraq. They also suffered a temporary set back during the period of modernization; however, they made a striking come back during the Islamic revolution.⁹ At the beginning of the Islamic revolution of Iran, the *marja'īyat* appeared to be combined with political leadership and embedded in the Constitution of December, 1979. However, in August 1989, *marja'īyat* was officially separated from the political leadership and the formal grounding of the symbiotic relationship between *marja'īyat* and political leadership was dissolved.

With regard to its nature, emergence, conduct and overall outlook, *marja'īyat-i taqlīd* involves many questions which have yet to be explored in Twelver Shi'ite thought and history. An essential question, however, seems to be why the *marja'īyat* emerged in the middle of the thirteenth/nineteenth century and what sequence of events shaped its character? The first part of this study is devoted to a re-examination of the relevant doctrinal and historical currents contributing to the emergence of *marja'īyat* out of the Usuli orthodoxy. The second part of this study is dedicated to the theoretical and economical basis of the *marja'īyat* as well as its insitutionalization and socio-political place in the Shi'ite community.

⁹See below, Part II, Chapter Four

PART ONE

THE HISTORICAL BACKGROUND OF THE EMERGENCE OF THE INSTITUTION OF *MARJA'-'I TAQLID*

The advent of the *marja'iyat* is the last phase in an on-going struggle for authority among the representatives of speculative thought in Shi'ism. The root of this struggle lies in the controversial nature of the source of knowledge (*'ilm*) in Shi'ism which includes the authority of the Imams in introducing such knowledge. This has given a new dimension to the Shi'ite learned institutions which remained unknown to Sunni Islam. Being influenced by Mu'tazilite theology and impressed by the Sufi conceptions of saintly wisdom, Shi'ite thinkers incorporated certain elements of mature speculative thought in the structure of their learned authority.

The introduction of the Science of Principles (*'Ilm al-Uṣūl*) into Imami thought in the 4th/10th century brought about a number of changes, not only in the Shi'ite approach to religious law, but in the shaping of its history. In fact, none of the Shi'ite socio-religious trends escaped the challenge of the Usulis, who more than any other currents successfully represented orthodoxy in Shi'ism. The conflicts which clearly demonstrate the disputable nature of authority in the Imami history are those which pitted the Usulis against the Akhbaris, the Sufis as well as the Shaykhis.

Historical treatment of these conflicts will allow us to understand better the theoretical basis of the struggle for authority which led to the emergence of the institution of *marja'iyat*. Nonetheless it is essential to discuss the juridical stages of Twelver-Shi'ite legalistic thought before embarking upon the historical treatment of the subject.

Chapter One

The Periodization of Shi'ite Legal Thought

Like its Sunni counterpart, Shi'ite law (*fiqh*) consists of the legal and ritual norms on which the whole Islamic ethical system is based. In its broad sense, *fiqh* either includes or provides an introduction to a variety of fields of learning and traditional sciences each of which employs the Qur'ān and the Sunna. These fields of learning and traditional sciences have evolved due to the efforts of Muslim speculative thought. Shi'i *fiqh* underwent several doctrinal stages spanning various historical developments. The significance of the new periodization of Shi'ite law for understanding the development of Imāmī legal thought was first brought to light by Maḥmūd Shihābī in the early 1930's.¹ Shihābī divided the history of the Shi'ite *fiqh* into two major parts:

A- The law-giving period completed at the death of the Prophet 13/632.

B- The interpretation period from 13/632 until the present time. The latter period is divided into four main stages:

1- Era of the Companions of the Prophet from 13/632 to 93/711 the death of the last Companion.

2- Era of the Successors up to the Lesser Occultation of the Imam 260/873. This period should be subdivided into two phases:

i- Era of Imam Bāqir and Imam Ṣādiq.

ii- The post-Ṣādiqayn Imams.

3- Era of the special deputies from 260/873 to 329/940.

¹Maḥmūd Shihābī, *Advār-i Fiqh*, 3 vols. (Tehran: Dānishgāh, 1950-62), v.1.pp. 382-388; see also his *Taqrīrāt-i Uṣūl* (Tehran: Farbud, 1965), pp. 38-65.

4- Era of the Great Occultation. This last period is that which concerns us most and is divided into four phases:

- i- Era of the forerunners beginning with the Greater Occultation and ending with the rise of Shaykh al-Ṭā'ifa Muḥammad b. al-Ḥasan al-Ṭūsī (d.460/1067).
- ii- The period of Shaykh Ṭūsī and his followers ending at the time of al-ʿAllāma Ibn al-Muṭahhar al-Ḥillī (d.726/1325).
- iii- Era of ʿAllāma Ḥillī until the days of Muḥammad Bāqir b. Muḥammad Akmal al-Bihbihānī (d.1205/1791).
- iv- The period following the establishment of the Usuli school by Bihbihānī until the present time (before the Islamic Revolution of Iran (1979)).²

The Usuli domination of Shi'ite thought is evident in the very last phases of Shihābī's chronology of Imami law (iii & iv). Since Shihābī, a few Imami scholars have reclassified the development of the Shi'ite law from different perspectives. Among them, the classifications of Muḥammad Ibrāhīm Jannāʾī and Muḥammad Hossein Modarresi Tabataba'i are noteworthy, although one must acknowledge that the works of Muḥammad Bāqir al-Ṣadr,³ Abū ʾl-Qāsim Gurjī⁴, Muḥammad Abū Zahra⁵

²Ibid.

³Muḥammad Bāqir al-Ṣadr, *al-Maʿālīm al-Jadīda li' l-Uṣūl* (Najaf: Nuʿmānī, 1965).

⁴Abū ʾl-Qāsim Gurjī, *Nigāhī bi Tahavvul-i ʿIlm-i Uṣūl* (Tehran: Dānishgāh, 1973).

⁵Muḥammad Abū Zahra, *Muḥāḍarāt fī Uṣūl al-Fiqh al-Jaʿfarī* (Cairo: Dirāsāt al-ʿArabīya, 1956).

and 'Alī Kāshif al-Ghiṭā'⁶ cannot be ignored in a serious study of Shi'ite legal thought.

Ayatollah Jannāṭi proposes three kinds of categorizations of Shi'ite law according to: i) its generality, ii) *ijtihād* and iii) the manner of *fiqh* exposition.⁷ Ayatollah Jannāṭi's general categorization of *fiqh* appears more comprehensive and is as follows:

- 1- The law giving period starting from -13/609 and ending 10/632.
- 2- The stage of explanation and collection from 10/632 until the Greater Occultation in 329/940.
- 3- The stage of classification and refinement from 329/940 until the time of Shaykh Ṭūsī (d.460/1067).
- 4- The stage of expansion of subsidiary cases (*furū'*) starting with Ṭūsī and extending to the life of Ibn Idrīs al-Ḥillī (d.598/1201).
- 5- The stage of reasoning and inference crystallized by Ibn Idrīs and continued until the life of 'Allāma Ḥillī (726/1325).
- 6- The stage of extension of *fiqh* and argumentation in details, starting with 'Allāma and continuing to the time of Muḥammad Bāqir Bihbihānī (d.1205/1791).
- 7- The stage of growth and perfection starting with Bihbihānī and continuing until the time of Shaykh Murtaḍā Anṣārī (d.1281/1864).
- 8- The stage of scrutinizing, beginning with Anṣārī and continuing until the time of Muḥammad Kāzīm Khurāsānī (d.1329/1911).

⁶ 'Alī b. Muḥammad Ridā Kāshif al-Ghiṭā', *Adwār 'Ilm al-Uṣūl wa Aṭwāruhū* (Beirut: Dār al-Zahrā', 1979).

⁷ Muḥammad Ibrāhīm Jannāṭī, "Advār-i kayfiyat-i Bayān-i Fiqh," *Kayhān-i Andīsha* 3 (1986), pp. 8-18; Idem, "Ijtihād dar Jāmi'a-yi Islāmī," *Kayhān-i Andīsha* 10 (1987), pp.6-18.

9-The stage of summarizing the *fiqh*, starting with the era of Khurāsānī and continuing until the present day (1405/1985).⁸

A comparison between the two above schemas of classification of the Shi'ite law demonstrates the similarity in their categorization which seems to be based exclusively on the Usuli conception of *fiqh*. Each period is characterized by an eminent juridical figure who affected the socio-religious currents of his time.

Demonstrating a better grasp of the Shi'ite sources, Modarrisi Tabataba'i includes the Sunni-Shi'i interactions in his periodization. He proposes the following eight stages for the development of Shi'i law:⁹

1-The Period of the Presence of the Imam

This period is characterized by the prevalence of *kalām* (theology) reasoning and *ijtihād* (independent judgement which then was mainly based on analogy (*qiyās*) and personal opinion (*ra'y*)). According to Modarrisi Tabataba'i, the Shi'ite community has never dispensed with *ijtihād* and independent reasoning even in the presence of the Imams. (p.24)¹⁰

2-The First Century of Occultation

Three different legal schools may be discerned in this era:

A-The school of traditionists which was "a continuation of the conservative legal tendency of the period of the presence, and likewise devoted its efforts to collecting, recording and presenting the traditions from the Imams." (p.32).

⁸Idem, "Sayrī dar advār-i *fiqh*," *Kayhān-i Andīsha* 2 (1985), pp. 9-29.

⁹Muhammad Hossein Modarrisi Tabataba'i, *An Introduction to Shi'i Law* (London: Ithaca Press, 1984), pp. 25-52. [All following references to this source in this chapter will be noted parenthetically within the text itself.]

¹⁰See also below Part Two, Chapter One.

B-*Qadīmayn* (two forerunners of the Usuli school). Despite the prevalence of traditionists in that period, two legal-minded jurists represented two different Usuli approaches towards the legal problems. These were Ibn Abī ‘Aqīl al-‘Umānī (of the first half of the 4th/10th century) and Ibn al-Junayd al-Iskāfī (of the middle of the 4th/10th century) both of whom were *kalām* theologians.

C-The Intermediate School. Modarrisi Tabataba’i states that some members of the Shi’a center of Qum, headed by Ibn Bābūya al-Qummī (d.329/940), held an intermediate position between the traditionists and the Usulis. This school upheld the validity of traditions transmitted by one single source (*al-āḥād*) yet simultaneously they followed the practice of *ijtihād*.

3-The Rationalists

According to Modarrisi Tabataba’i, this school of Twelver Imami Usulists was founded by the theologian and jurist al-Shaykh Muḥammad al-Nu‘mān al-Mufīd (d.413/1022) and was continued by his pupil al-Sharīf al-Murtaḍā (d.436/1044). The characteristic of this school is "their refusal to rely on the solitary tradition (*al-āḥād*) as a source of law, and their involvement with hard theological debates." (p.43).

4-The School of Shaykh al-Ṭā’ifa al-Ṭūsī (d.460/1067)

Ṭūsī combined the method of the rationalists with that of the traditionists. Two of Ṭūsī’s books *al-Khilāf* and *al-Mabsūṭ* "were modelled upon Sunni legal scholarship passed into Shi’a law facilitating its further development." (p.44). Modarrisi Tabataba’i divides this stage into two phases: a-the disciples of Shaykh al-Ṭā’ifa, and b-the period of criticism. The latter phase includes the school of Ḥilla which consisted of scholars such as Ibn Idrīs al-Ḥillī, al-Muḥaqqiq al-Ḥillī and al-‘Allāma al-Ḥillī.

5-The School of al-Shahīd al-Awwal (d.786/1384)

In reaction to the Sunni influence on the Shi'i expositions of law, which reached its zenith by the time of 'Allāma Ḥillī, Shams al-Dīn Muḥammad b. al-Makkī al-Āmilī al-Shahīd al-Awwal "reformulated the fundamental rules and principles of Shi'i law and provided it with an independent identity." (p.49).

6-The Law of the Safavid Period

This period is marked by Shaykh 'Alī b.Ḥusayn al-Karakī (d.940/1534), al-Muqaddas Aḥmad b. Muḥammad al-Ardabīlī (d.993/1585) and Muḥammad Amīn al-Astarābādī (d.1036/1626) who were the jurists who either established or revived a school in Shi'ite legal thought during this period. Due to his adoption of the legitimacy of Friday prayer and his reformulation of the rules of land tax suitable to the new political situation, Karakī like Muqaddas Ardabīlī is considered to be one of those who refashioned Imami law because of his "independent rational arguments based on his personal juridical analysis." (p.51). Astarābādī benefitted from "a suitable ground for the revival of the traditionist school ... and utterly dismissed the principles of *uṣūl al-fiqh*." (p.52, 54).

7-The School of al-Wahīd al-Bihbihānī (d.1205/1791)

In addition to Bihbihānī's "genius for rational argument and analysis" (p.56) Modarrisi Tabataba'i considers the appearance of "a more moderate line" (p.56) of the Akhbaris as the main element for the success of the Usulis in this period. Bihbihani's prominent pupils completed his work in "re-establishing the authority of reason and rational argument in law." (p.56).

8-The School of Shaykh al-Anṣārī (d.1281/1864)

Modarrisi Tabataba'i regards the rise of Anṣārī as the last fundamental change in Shi'i law. Anṣārī extended "the most general principles of law (*al-uṣūl al-ʿamaliyya*) to a remarkable degree and used this method to restructure the law, especially the section of transactions." (p.57).



It is clear from the above periodization that Modarrisi Tabataba'i considered *ijtihād* and rational reasoning to be the essential elements in the development of Shi'ite *fiqh* to the effect that even the presence of the Imams and the devotional attachment to the traditions of the Imams during the Safavid period did not dislodge them from their position in Shi'ite legal methodology. A thoroughly historical treatment of Shi'ite *fiqh* is beyond the scope of the present study; nevertheless, in offering a relevant periodization of Imami *fiqh* in relation to the overall context of the Shi'ite speculative thought, we propose the following outline:

- 1 - The Period of the Traditionists and Collection of *Ḥadīth*:
The Schools of Kūfa, Qum and Ray (132/749 to 408/1017).
- 2 - The Evolution of Usulism and the Codification of Shi'ite Law:
The Schools of Baghdad and Najaf (408/1017 to 656/1258).
- 3 - The Application of *ijtihād* on a New Usuli Basis:
The Schools of Ḥilla and Jabal 'Āmil (656/1258 to 1018/1609).
- 4 - The Re-emergence of the Akhbari Traditionists:
The schools of Karbalā and Isfahan (1018/1609 to 1186/1772).
- 5 - The Establishment of the Usuli Position:
The Schools of the Holy Shrines ('Atabāt) (1186/1772 to 1318/1900).
- 6 - The Summarizing of *Fiqh* and the Development of the Socio-Political
Role of the *Faqīh* : The Schools of Najaf and Qum (1318/1900 to 1400/1979).

1-The Period of the Traditionists and Collection of *Ḥadīth*: The Schools of Kūfa, Qum and Ray (132/749 to 408/1017)

From the time when Shi'ism found its doctrinal expression (approx 132/749)¹¹ until the flourishing of the rational Usuli school of Baghdad under Shaykh Muḥīd,¹² the reliance upon oral *ḥadīth* and its subsequent collection remains the most salient feature of this period, despite the interference of several theological, rational and mystical currents in Shi'ite thought which were introduced by the *mutakallim* theologians, Usulists and Sufis respectively. Like its Sunni counterpart, it seems that this Imami trend was derived from the dominant Muslim concept of the time, namely, that *ʿilm*, was above all, knowledge of traditions, which could only be transmitted in the form of *ḥadīth*. Shi'ite literary traditions appeared in the form of four hundred sources (*al-uṣūl al-arbaʿ mi'a*) which comprised the utterances of the Imams.¹³ However, the main body of the Imams' teachings consist of the orally reported traditions whose collection in the fourth/tenth and fifth/eleventh century gave birth to Shi'ite literary jurisprudence (*fiqh*). It is remarkable that the first extant collections of Imami *ḥadīth* reports were produced by the isolated traditionist centers of Ray and Qum, represented

¹¹The year 132/749 is the approximate date of the trip made by Imam Jaʿfar al-Ṣādiq to Kūfa where the Imam's teaching was recorded on an systematic basis as a high percentage of the Imam's discourse-writers (*aṣḥāb al-uṣūl*), according to Shaykh Āqā Buzurg Tihrānī, belonged to the Shiʿi Kūfan milieu. See Douglas Sloan Crow, "The Teaching of Jaʿfar al-Ṣādiq," M. A. (McGill University, 1980), p.48; Shaykh Āqā Buzurg Tihrānī, *al-Dharīʿa ilā Taṣānīf al-Shiʿa*, 26 vols. (Beirut:Dār al-Aḍwā, 1983), v. 2, pp. 125-34.

¹²The approximate date for this flourishing is 408/1017 when Shaykh Ṭūsī joined the teaching circle of Muḥīd. This can be assumed as the year that Muḥīd presented his *al-Muqniʿa* to which Ṭūsī wrote a commentary. *Tahdhīb al-Aḥkām*.

¹³Etan Kohlberg, "al-Uṣūl al-Arbaʿu Mi'a," *Jerusalem Studies in Arabia and Islam* 10 (1987), pp. 128-65; Muḥammad Kāẓim Imām, "Dawra-yi Āghāz-i Fiqh," *Hizāra-yi Shaykh-i Ṭūsī*, ed. ʿAlī Davānī (Tehran:Dār al-Tablīgh Islāmī, 1970), pp.80-106.



by Kulaynī and Ṣadūq.¹⁴ Iraq, the birth place of rational trends, was at this time, fostering the seeds of Usulism as depicted in the works of Ibn ‘Aqīl and Ibn Junayd. Nevertheless, it was the traditionists' collection and arrangement of *ḥadīth* which embodied Shi‘ite legal and ritual thought and its ultimate religious conception.

Kulaynī's general conceptualization of Shi‘ite *fiqh* echoes contemporary Islamic traditionist currents which were reactions against Mu‘tazilite rationalism by producing new collections of *ḥadīth* rearranged with new chapters.¹⁵ Kulaynī's way of giving exclusive authority to the utterance of the Prophet and Imams indicate the influence of the general traditionist patterns on the Shi‘ite thought.

Kulaynī's *al-Kāfi* includes several sections which reflect the socio-religious currents of his time. His chapter on Imamate (*Kitāb al-Ḥujja*) is an unprecedented work which echoes not only the Shi‘i exaggerative (*ghāli*) views but also the contemporary mystical conception of *walī*, a position imbued with the authority of divine wisdom. A comparison of the above chapter¹⁶ and *Khatm al-Awliyā’* of Muḥammad b. ‘Alī al-Tirmidhī (flourished in the second half of 3rd/9th century)¹⁷ demonstrates a similar tendency towards investing ultimate religious authority in a single individual.

¹⁴There are a number of traditionists (*muhaddithūn*) such as Muḥammad b. Ḥasan b. Furūkh al-Ṣaffār al-Qummī (d.290/902) who, before Kulaynī, began to collect traditions in his *Baṣā’ir al-Darajāt*. See Muḥammad ‘Alī Mudarris Khayyānī, *Rayḥanat al-Adab*, 8 vols. (Tehran: Khayyām, 1967), v.3, p. 453.

¹⁵E.g. see Muslim b. Ḥajjāj b. Muslim al-Qurashī, *Ṣaḥīḥ*, 8 vols. (Cairo: Ṣabīḥ, 1915).

¹⁶See Muḥammad b. Ya‘qūb al-Kulaynī, *al-Uṣūl min al-Kāfi*, 4 vols., ed. by Javād Muṣṭafavī (Tehran: Ahl-i Bayt, 1969), v.2, [chapters on *walāya*], pp. 276-323. See below Part One, Chapter three.

¹⁷See Abū ‘Abdallāh, Muḥammad b. ‘Alī al-Tirmidhī, *Khatm al-Awliyā’*, ed. Uthmān Ismā‘īl Yaḥyā (Beirut: Catholique, 1969), pp. 360-74.

Ibn Bābūya Ṣadūq like Kulaynī, belongs to the Shi'ī legal traditionist schools of Qum and Rayy. Although Ṣadūq's works are at variance with those of Kulaynī, the arrangement and chain of transmission for *ḥadīth* resembles Kulaynī's traditionist approach. As the name of Ibn Bābūya's major book, *Man lā Yaḥḍuruhu al-Faqīh*, suggests, he diminished the role of the jurisconsult (*faqīh*) in the presence of the tradition-reports. Due to his reliable method of transmission of *ḥadīth* and his moderate position between Mu'tazilite Usulists and the literalist traditionists, Ṣadūq is one of the most frequently quoted Shi'ī authors concerning the problems of Imamate and Occultation. Ṣadūq's account of *futuwwa* also indicates the influence of Sufi ethics on Shi'ite juristic works.¹⁸

2-The Evolution of Usulism and the Codification of Shi'ite Law : The Schools of Baghdad and Najaf (408/1017 to 656/1258)

The exposition of Shi'ite jurisprudence entered a new phase when Shaykh Mufīd (d.413/1020) applied the rational Usuli arguments in rewriting *fiqh* in his *al-Muqni'a*.¹⁹ Before Mufīd, the Shi'ite community had been acquainted with the Science of Principles (*ʿIlm al-Uṣūl*) as it was recorded in the practice of Ibn ʿAqīl and Ibn Junayd. However, it did not constitute a doctrinal basis for the Imamis as it did for Mufīd in his *al-Muqni'a*. This book seems to be the first Shi'ite book which is based on the author's own opinions acquired from the traditional sources, rather than representing the very text of the tradition-reports. Mufīd also wrote the first extant work on Shi'ite *uṣūl al-fiqh*.²⁰ The Shi'ite conception of legal theory, at this juncture,

¹⁸Muḥammad b. ʿAlī Ibn Bābūya al-Ṣadūq, *Maʿānī al-Akḥbār*, ed. ʿAlī Akbar Ghaffārī (Tehran: Maṭbaʿat al-Ṣadūq, 1969), pp. 19, 257.

¹⁹Muḥammad b. Muḥammad b. al-Nuʿmān known as Mufīd, *al-Muqni'a fī 'l-Uṣūl wa'l-Furū'* (Qum: Marʿashī, Litho-reprint, 1984).

²⁰Gurjī, *Nigāhī*, p. 29.

appears to be based on the Shafi'ite systematization of the traditional proofs infused with doctrines from Mu'tazilite thought.

In addition to his doctrinal strength, Mufid enjoyed support from the Buyid government (334/945-447/1055) who assigned one of Mufid's students, Sayyid Murtaḍā, as Qadi of Baghdad. Murtaḍā enhanced Mufid's teaching in theology and legal theory. By writing *al-Dharī'a*, Murtaḍā attempted to separating *uṣūl* from the above intertwined Islamic trends.²¹ nevertheless this work and *Uddat al-Uṣūl* written by his pupil Ṭūsī, still contains other elements which were omitted by later authors.

Shaykh Ṭūsī advanced the work of Mufid and Murtaḍā, not only in theology and legal theory, but also in jurisprudence. By writing *al-Nihāya* and *al-Mabsūṭ*, he expanded Mufid's method of writing *fiqh*, i.e., from one's own perception of the sources. Nevertheless, Ṭūsī's effort to re-assert Imami Jurisprudence via a new series of *ḥadīth* collection is noticeable. He first wrote *Tahdhīb al-Aḥkām* commenting on *al-Muqni'a* on the basis of the relevant tradition-reports,²² later *al-Istibṣār* in order to answer questions which had not been expounded by Mufid.²³ *Al-Mabsūṭ* was written in Najaf where Ṭūsī had been forced to establish his teaching circle after the deterioration of the Shi'a center of learning in Baghdad with the collapse of the Buyid dynasty (447/1055). The impact of the Sunni revival during the Saljuq period is reflected in the two later works of Ṭūsī i.e. *al-Khilāf* and *al-Mabsūṭ*. He incorporated some of the Sunni (especially Shafi'ite) views in these books although he refrained from employing the method of *qiyās*.

²¹Abū'l-Qāsim 'Alī b. al-Ḥusayn al-Mūsawī al-Sharīf al-Murtaḍā, *al-Dharī'a ilā Uṣūl al-Shī'a*, 2 vols. ed. A. Gurjī (Tehran: Dānishgāh, 1967), p. 2.

²²Ṭūsī, *Tahdhīb*, v.1., p.4.

²³Idem, *al-Istibṣār*, 2 vols. (Najaf: Dār al-Kutub, 1956), v.1., p. 2.

In addition to re-arranging the legal subjects, Ṭūsī established the Science of Principles *‘Ilm al-Uṣūl* and the validity of solitary traditions (*khabar al-āḥād*) in his treatise, *‘Uddat al-Uṣūl*. In doing this, he built upon the ground already paved by his masters, Shaykh Muḥid and Sayyid Murtaḍā. Ṭūsī also incorporated a number of *kalām* theological principles into *‘Ilm al-Uṣūl*.²⁴

The codification of Twelver Shi‘ite law coincided with the development of Isma‘ili thought during which al-Qāḍī al-Nu‘mān al-Tamīmī (d.363/947) proposed Isma‘ili *fiqh* in his *Da‘āim al-Islām*.²⁵ Abū Ḥaqūb al-Sijistānī (fourth/tenth century) and Ḥamīd al-Dīn al-Kirmānī (d. ca 411/1021), by applying Neoplatonic cosmology to Islamic thought, expounded a different theological orientation which reached a new peak in the cosmological doctrine of Ibn Sīnā (d. 428/1036). The Sunni orthodoxy reacted against the above attempt to subject Islam to an analysis from a philosophical point of view by upholding the tenets of Ash‘arite theology, yet more important, by looking at Sufi approaches to spirituality. Abū Ḥamid Muḥammad al-Ghazālī (d.505/1111) decided to resort to Sufism during this time after several attempts to reformulate Shāfi‘ite law, Islamic ethics and Ash‘arite theology. For Ghazālī, Sufism entailed practice and experience (*al-‘amal waḥ-ḥāl*) rather than theory.²⁶ Despite Ghazālī’s perception, the time was ripe for the theorization of the principles of Islamic mysticism. Shihāb al-Dīn Yahyā al-Suhrawardī (d.587/1191) put the mystical

²⁴Idem, *‘Uddat al-Uṣūl*, 2 vols. (Najaf: Āl al-Bayt, 1403), v.1, pp. 138-174.

²⁵al-Qāḍī al-Nu‘mān b. Muḥammad al-Tamīmī, *Da‘āim al-Islām*, ed. ‘Ārif Tāmir (Beirut: Dār al-Thaqāfa, 1960).

²⁶Abū Ḥamid Muḥammad b. Muḥammad al-Ghazālī, *al-Munqidh min al-Dalāl* (Cairo: Maktabat al-Anjalu, 1952), p. 88.

experiences of Muslim sages into an illuminative mystical context by adapting elements borrowed from Neoplatonic,²⁷ essentially Platonic and Gnostic²⁸ premises.

With an ontological application of Qur'anic revelation and Neoplatonic self-manifestation, Ibn 'Arabī (d.638/1240) propounded a hermeneutic system of being with which Islamic thought (especially Shi'i mysticism) could never dispense. Ibn 'Arabī's mysticism had something in common with Shi'ism especially with regard to notions of Muhammadan reality, Mahdism, infallibility of the Prophet's family, interior Imamate,²⁹ vicegerency of God and the perfect man which was applied interchangeably with the Imam or *walī*, although Ibn 'Arabī's own concept of *walāya* should be distinguished from Shi'ism.³⁰

By the end of the 6th/12th century, the Shi'ite community began to re-evaluate the legal patterns set by Ṭūsī. Ibn Idrīs' critical revision of *fiqh* and that of Ibn Zuhra on *uṣūl*,³¹ terminated the period dominated by Ṭūsī's methodology. Ibn Idrīs not only expanded the scope of Imami law by giving an independent authority to *'aql* (the intellect) as a source of Shi'i law,³² but he also paved the way for the growth of a new and stronger Usuli position in the Twelver Shi'ite community.

3-The Application of Ijtihād on a New Usuli Basis: The Schools of Hilla and Jabal 'Āmil (656/1258 to 1018 to 1609)

²⁷Sayyid Jalāl Āshtiyānī, "Muqaddima," *Uthulūjjiyā bā Ta'liqāt-i Qādī Sa'id Qummī*, trans into Arabic by Ibn Nā'ima al-Ḥamsī (Tehran: Anjuman Falsafa 1977), p. 13.

²⁸Hermann Landolt, "Suhrawardi's 'Tales of Initiation,'" *Journal of the American Oriental Society* 107 (1987), p. 480.

²⁹Muṣṭafā Kāmil al-Shaybī, *al-Ṣila bayn al-Taṣawwuf wa'l-Tashayyuf*, 2nd ed., (cairo: Dār al-Ma'ārif, 1969), pp. 376-79.

³⁰On this question, see below p.59..

³¹Jannānī, "Sayrī dar Advār-i Fiqh...." p. 24.

³²Idem., "Qiyām-i Akhbārīhā 'alayhi Ijtihād," *Kayhān-i Andīsha* 13 (1987), p.6.

Hilla, a small city in Mesopotamia, escaped the Mongol attacks which destroyed most eastern Muslim cities in 7th/13th and 8th/14th centuries. This city, with a predominantly Shi'ite population, was also the beneficiary of generous financial endowments from the Imami vizier, Khwāja Naṣīr al-Dīn al-Ṭūsī who visited the Shi'ī school of Hilla in 656/1258.³³ Ṭūsī reconstructed the Islamic *kalām* theology on a philosophical basis which had a direct impact on the Shi'ite theological approaches of Hilla.³⁴ Hilla also enjoyed the intellectual support of Bahreini theologians such as Jamāl al-Dīn 'Alī b. Sulaymān al-Baḥrānī and his student Kamāl al-Dīn Maytham b. 'Alī al-Baḥrānī who established their teaching centers in Hilla in the middle of the 7th/13th century.³⁵ As a result of these special conditions, the Hilla school produced a range of prominent scholars who set a new pattern for both Shi'ite thought and its legal theory.

Al-Muḥaqqiq Najm al-Dīn Ja'far b. Ḥasan al-Ḥillī (d. 676/1277) was the first Shi'ī scholar to adopt *ijtihād* on a doctrinal basis. He defined the principle of *ijtihād* in such a way that by making a distinction between the speculative component (*ẓann*) on the one hand and *qiyās* and unrestricted reasoning (*ra'y*) on the other hand, *ijtihād* was legitimized on basis of valid *ẓann*.³⁶ The Sunni influence, especially Ghazālī's

³³Muḥammad Mudarrisi Zanjānī, *Sarguzasht va 'Aqā'id-i Falsafi -yi Khwāja Naṣīr Ṭūsī* (Tehran: Dānishgāh, 1956), pp. 44-46, 59. We considered the date of this visit as the beginning of the rise of the school of Hilla.

³⁴See Murtaḍā Muṭahharī, *Āshnā'i bā 'Ulūm-i Islāmī* (Tehran: Intishārāt-i Ṣadrā, 1979), Part 3, "Kalām," p. 57; see also Wilferd Madelung, *Religious Schools and Sects in Medieval Islam* (London: Variorum Reprints, 1985), p.V. II/27.

³⁵See Naṣīr al-Dīn Ṭūsī, *Sharḥ Mas'alat al-'Ilm*, ed. 'Abdullāh Nūrānī (Mashhad: Dānishgāh, 1966), pp. 3-19.

³⁶al-Muḥaqqiq Najm al-Dīn Ja'far b. Ḥasan al-Ḥillī, *Ma'ārij al-Uṣūl* (Tehran: Litho, 1892), pp. 117-121.

elaboration on *ẓann*³⁷ is apparent in Muḥaqqiq's thought. Muḥaqqiq also put Imami law into a new framework which consisted of four essential parts: worship (*ʿibādāt*), transactions (*muʿāmalāt*), unilateral transactions (*iqāʿāt*) and penal law (*aḥkām*).³⁸ Another significant contribution of Muḥaqqiq to the development of Shiʿite law was that he linked the authority of the ulama directly to the Imam by making them his deputies (in specific cases) during the Occultation.³⁹ While the Imam appears to be present in the language of the previous Imami authors, the creation of this link may be considered a major step in the development of the juristic authority from which the *marjaʿīyat* emerged.

Al-ʿAllāma ʿIbn al-Muṭahhar al-Ḥillī advanced the work of Muḥaqqiq in all directions. ʿAllāma employed his vast knowledge of logic and *kalām* theology in order to incorporate new rational elements into Shiʿite thought, especially with regard to *ʿIlm al-Uṣūl*. Moreover, by writing *Tadhkirat al-Fuqahāʾ* and *al-Mukhtalif*, ʿAllāma tried to highlight the rational aspects of Shiʿite *fiqh* in comparison with that of the Sunnis. Despite his total devotion to the legitimate traditions of the Imams, he did not neglect the Sunni logical and practical achievements in the development of law. In fact, ʿAllāma's treatment of *fiqh* represented the peak of Shiʿi-Sunni theoretical interaction which simultaneously generated an opposition.

Shams al-Dīn Muḥammad b. al-Makki al-ʿĀmilī al-Shahīd al-Awwal (786/1384) who studied under ʿAllāma's son in Ḥilla refrained from including Sunni

³⁷Abū Ḥāmid Muḥammad b. Muḥammad al-Ghazālī, *al-Mustaṣfā min ʿIlm al-Uṣūl* 2 vols. (Beirut: Dār al-Kutub, 1983), v.2, pp. 363-387 and Idem, *al-Mankhūl min Taʿlīqāt al-Uṣūl*, ed. M. H. Hītū (Damascus: n.p., 1970), pp. 451-457.

³⁸al-Muḥaqqiq Najm al-Dīn Jaʿfar b. Ḥasan al-Ḥillī, *Sharāyīʿ al-Islām* (Tehran: ʿIlmiyya Islāmiyya, 1957). The rationale for this division of *fiqh* is explained on the margin of the first page of *Sharāyīʿ al-Islām*.

³⁹Ibid., chapter on *khums*, p. 53.

views in his treatment of *fiqh* and provided it with an independent identity.⁴⁰ Ibn al-Makkī, who along with Ibn al-Fahd al-ʿĀmilī (d.841/1437), Zayn al-Dīn al-ʿĀmilī al-Shahīd al-Thānī (d. 966/1558) and ʿAlī b. Ḥusayn al-Karakī (d.940/1534) represented the school of Jabal ʿĀmil at this stage and adopted the Usuli framework established by the school of Ḥilla. This fact is manifested in their works on *uṣūl*.⁴¹

From a historical point of view, the two schools of Ḥilla and Jabal ʿĀmil witnessed the abrogation of the caliphate in Baghdad, the rise of the Safavids and the flourishing of Sufi trends and orders throughout the Muslim territories. Most of these Sufi orders were presided over by an authoritative guide who claimed a kind of representation of the divine authority. Under these circumstances, Shahīd Thānī put forth the notion of the ulama's general vicegerency (*al-niyāba 'l-ʿāmma*) for the Imam in order to give the ulama the authority to solve the immediate problem of alms tax and jihad.⁴² Preceding the formation of the "general vicegerency" was the new position of *mujtahid* as the one who is invested with authority (*man lahu 'l-ḥukm*) which is discussed in the writings of Muḥaqqiq⁴³ and ʿAllāma.⁴⁴ These two ranks should be considered as juridical solutions regarding the question of legitimacy during the absence of the just Imam. Nonetheless, it seems that Shahīd Thānī is using a more

⁴⁰Modarrisi Tabataba'i, *An Introduction*, p. 49.

⁴¹For example, see al-Shahīd al-Awwal, *al-Qawā'id wa'l-Fawā'id*, 2 vols, ed. ʿAbd al-Hādī al-Ḥakīm (Qum: al-Mufīd, 1979), v. 1, p. 8.

⁴²Zayn al-Dīn al-ʿĀmilī al-Shahīd al-Thānī, *al-Rawḍa 'l-Bahīya fī Sharḥ al-Lum'a 'l-Dimishqīya*, 2 vols. (Tehran: ʿIlmiya Islamiya, 1929), v. 2, p. 255, 264-65.

⁴³See Muḥaqqiq Ḥillī, *Sharāyi' al-Islām*, p. 53.

⁴⁴ʿAllāma Ḥillī, *Tadhkirat al-Fuqahā'*, 2 vols. (Tehran: Lithoprint, al-Maktabat al-Murtaḍawiya, 1388/1968), v. 1, pp. 452-3 and Idem, *Tahrīr al-Aḥkām* (Tehran: Lithograph, 1314/1895 and 1896), p. 163.

forceful tone when he endows the jurists with the authority of the Imam in dealing with problems of declaring jihad and taking alms tax.

4-The Re-emergence of the Akhbari Traditionists: The Schools of Karbalā and Isfahan (1018/1609 to 1186/1772)⁴⁵

The tendency to rely on the exclusive authority of the traditions of the Prophet and the Imams acquired renewed momentum at the beginning of the 10th/16th century. This resurgence was a reaction to the advanced Sunni-Usuli interaction in the school of Hilla. However, it was highly influenced by the rise of the Safavids (907/1501) who made Shi'ite ideology as a whole the basis for Safavid rule. It seems that the Sufi origin of the Safavids, combined with the extremist (*ghālī*) character of the Shi'i tribes, accelerated the tendency towards a deeper dependence on the traditions of Imams at the juristic level.

The juridical works of Ibn Abī Jūmhūr (late 9th/15th century), Muḥammad Taqī al-Majlisī (d.1070/1659) and Mīrzā Muḥammad b. 'Alī al-Astarābādī (d.1028/1618) reflected the prevailing tendency to give traditions of the Imams precedence over the Usuli principles. However, it was Muḥammad Amīn al-Astarābādī (d.1036/1626) who seriously disputed the validity of *ẓann* and *ijtihād* claiming that they were concepts borrowed from the Sunnis.⁴⁶ By upholding the authority of the tradition-reports, Astarābādī tried to impose a new uniformity on Imami jurisprudence which would be suitable to the popular religious currents of the time. Astarābādī, also formulated the doctrine of customary certainty (*al-yaqīn al-'ādī*) and sensitive

⁴⁵1018/1689 is the year when Astarābādī, by writinig *al-Fawā'id al-Madaniya*, launched his Akhbari drive.

⁴⁶See Muḥammad Amīn al-Astarābādī, *al-Fawā'id al-Madaniya* (Bahrain: Lithoprint 1903), especially chapter on refutation of *al-ẓann*, pp. 90-127 and Ni'matullāh al-Jazā'irī, *al-Anwār al-Nu'māniya*, 4 vols (Tabriz: Maṭba'at Shirkat chāp, 1962), vol. 3., p. 129.

reasoning (*al-ʿaql al-ḥissī*) with which he brought the Shiʿite traditionalism back to the forefront of juridical discussions. As a result of the Akhbari prevalence, another series of *ḥadīth* -collections were produced by Muḥammad Bāqir al-Majlisī (d.1110/1698), Muḥsin al-Fayḍ al-Kāshānī (d.1091/1680) and Muḥammad b.al-Ḥasan al-Ḥurr al-ʿĀmilī (d.1112/1700).

In spite of the fact that Akhbarism was the dominant feature of Shiʿite legal thought in the 10th/16th and 11th/17th centuries, Usulism survived through the writings of *mujtahids* such as Ḥasan b. Zayn al-Dīn al-ʿĀmilī (d.1011/1602), Aḥmad b. Muḥammad al-Ardabīlī (d.993/1585), ʿAlī b.Ḥusayn al-Karakī (d.940/1534) and Bahā al-Dīn al-ʿĀmilī (d.1030/1631). Many of these *mujtahids* enjoyed a better relationship with the state officials than did the pious Akhbaris.

Another feature of Shiʿite thought during this period was the emergence of a group of theologians who successfully combined Islamic mystical theory with Peripatetic philosophy. The school of Mullā Ṣadrā al-Shīrāzī (d. 1050/1640) philosophized not only Sufi principles but also Shiʿite traditions.⁴⁷ Nevertheless, the gap between folk Sufi-Shiʿism and high theosophy (*al-ḥikma ʿl-mutaʿāliya*) widened and the pragmatic ulama took advantage of the predicament in later periods. Although the Akhbaris, too, had a strong link with the Shiʿite populace, the Usulis appeared to have benefitted most from the self-isolating style of the Shiʿi intellectuals, especially that of the theologians.⁴⁸

⁴⁷See Mullā Ṣadrā Muḥammad b. Ibrāhīm al-Shīrāzī, *Sharḥ Uṣūl al-Kāfi* (Litho-reprint, n.d., n.p.); Muḥammad Muḥsin b. Murtaḍā al-Fayḍ al-Kāshānī, *al-Wāfi*, 3 vols. (Qum: Litho-reprint, Maktaba Marʿashī, 1984). See also below Part One, Chapter 3.

⁴⁸See below Part One, Chapter 3.

5-The Establishment of the Usuli Position: The School of the Holy Shrines (‘Atabāt) (1186/1772 to 1318/1900)⁴⁹

Despite several Sunni reactions to the developments within Shi‘ism such as that of Isma‘il the Second (d.985/1578), the Afghans (1135/1722) and even Nādir Shāh (1160/1747), it remained the ideological framework of most Iranians and some of the Muslims of the Fertile Crescent after the collapse of the Safavid Empire (1153/1722). Since the anti-Sunni sentiment was relaxed, many Shi‘i jurists found it more practical to apply religious rules according to the Usuli method of interpretation of law. Some of the prominent Akhbari jurists such as Shaykh Yūsuf b. Aḥmad al-Baḥrānī (1186/1772) in his *al-Ḥadā’iq al-Nāḍira*, began to apply *ijtihād* in a limited fashion. He legitimized *ijtihād* on the basis that the community had no choice but to resort to *ijtihād* in order to expand *fiqh* during the occultation of the Imam.⁵⁰

Muḥammad Bāqir Bihbihānī (d.1205/1791), a pragmatic Usuli jurist, benefitted from the ground yielded by Baḥrānī and revived Usulism giving *mujtahids* a new authority with which to establish juridical rules in the absence of explicit tradition. Bihbihānī’s school also created an executive body to carry out their orders.⁵¹ This indicates not only the weakness of the central governments of Iran and the Ottomans, but also highlights the financial strength of the *mujtahids* which enabled them to pay for this body. The source of this financial strength goes back to the very same *fiqh*. With each reconstruction of *fiqh*, the *mujtahids* smoothly expanded the law of alms tax

⁴⁹The date of Shaykh Yūsuf Baḥrānī death (1186/1772) is of great importance for the triumph of Usulis. In this year, Bihbihānī, according to the will made by Baḥrānī, led the prayer at his burial.

⁵⁰Shaykh Yūsuf b. Aḥmad al-Baḥrānī, *al-Ḥadā’iq al-Nāḍira*, 25 vols. (Najaf: Dār al-Kutub, 1957), v.1, p. 301.

⁵¹Muḥammad b. Sulaymān Tunakābunī, *Qīṣaṣ al-‘Ulamā’* (Tehran: ‘Ilmiya Islamiya, n.d), pp. 145, 199 and ‘Abbās Iqbāl Āshtiyānī, "Ḥujjat al-Islām Sayyid Muḥammad Bāqir Shafī," *Yādgar* 10 (1949), pp. 28-42.

(*khums*) and illegal transactions (*al-makāsib al-muḥarrama*) for the benefit of *ulama* as the Imam's deputies.

Another achievement of the *mujtahids* in this period, was the reformulation of the principle of *a'lamīyat* by Shaykh Ja'far Kāshif al-Ghiṭā' (d.1228/1813).⁵² *A'lamīyat* implies the notion that the jurists who set binding patterns for Muslims must be the most learned *mujtahid*. Parallel to this was the doctrine formulated by Mullā Aḥmad Narāqī (d.1245/1830): that jurists could assume the Imam's authority in its full sense.⁵³ These two doctrines provided the most necessary basis for the informal hierarchy of the Shi'ite leadership. This was followed by the formation of the institution of *marja' -i taqlīd* (1260/1843) which appeared to be a crucial step in the centralization of the Shi'ite hierarchy and it eventually played a significant role in Shi'ite socio-political life.

The contribution of the Usuli jurists of this period to the development of Shi'ī law did not go much beyond the limits laid down by the schools of Ḥilla and Jabal 'Āmil until the appearance of Shaykh Murtaḍā Anṣārī (d.1281/1864). The legal minded Anṣārī gave new harmony to the Usuli methods of reasoning for inferring religious rules.⁵⁴ He also provided new legal analysis of the rules governing transactions.⁵⁵

Aside from the legal section of *fiqh*, the theological and ritual part was worked out by other trends in Shi'ism, such as Shaykhism which grew out of the Akhbari and mystical tendencies. Shaykhism gave a new dimension to the theosophic interpretation of

⁵²Muḥammad Ibrāhīm Jannāū, "Sayr-i Tārīkhī-yi Taqlīd az A'lam," *Kayhān-i Andīsha* 6 (1986), p. 18.

⁵³Aḥmad b. Maḥdī Narāqī, *Awā'id al-Ayyām* (Qum: Maktaba Baṣīratī, 1903), pp. 188-195.

⁵⁴See Shaykh Murtaḍā Anṣārī, *Farā'id al-Uṣūl*, ed. A. Nūrānī (Qum: al-Nashr al-Islāmī, 1987).

⁵⁵Idem, *al-Makāsib* (Tabriz: Maṭba'a Itilā'āt, 1955).

mankind, the Imams, and that of resurrection.⁵⁶ The line of theosophers represented by Mullā ‘Alī Nūrī (d. 1245/1830) and Mullā Hādī Sabzavārī (1295/1878) in this period continued their course regardless of the Shaykhi incorporation of some of their ideas, as did folk mysticism and the Sufi orders. These theosophers escaped the eventual clashes between the Usulis and the Shaykhis on one hand, and the Usulis and the Sufis on the other.

6-Summarizing *Fiqh* and Developing the Socio-Political Role of the *Faqīh*: The Schools of Najaf and Qum (1318/1900 to 1400/1979)⁵⁷

The encounter of modernity with the Shi‘ite world generated a range of reactions, each of which affected the socio-religious thought of Shi‘is. With regard to Shi‘a law, a process of summarization and reformulation of *fiqh* began in the early 13th/late 19th century. Muḥammad Kāẓim Khurāsānī (d.1329/1911) summarized Usul in his *Kifāyat al-Uṣūl*, and was followed by Muḥammad Kāẓim Yazdī (d.1337/1919) who did the same with *fiqh* in his *al-‘Urwa ‘l-Wuthqā*.

At the same time, the composition of juridical manuals or practical treatises (*al-risāla ‘l-‘amaliya*) was facilitated by the introduction of printing facilities into the Shi‘ite world. *Jāmi‘-i ‘Abbāsī* of Shaykh Bahā‘ī is considered to be the first Shi‘a summary of *fiqh*.⁵⁸ Nevertheless, *Najāt al-‘Ibād* by Shaykh Muḥammad Najafī (d.1266/1849) appears to be the first well received and mass-produced manual which explained the legal rules of Islam in simple terms.⁵⁹

⁵⁶See below Part One, Chapter Four.

⁵⁷1318/1900 is the approximate date of presenting *Kifāya* and *al-‘Urwa* by Khurāsānī and Yazdī respectively and marks the beginning of the period of summarization.

⁵⁸Jannātī, "Advār-i Kayfīyat-i Bayān-i Fiqh....," p. 14.

⁵⁹Ibid., p. 18.

The access to printing facilities also contributed to the development of opinionative *fiqh* (*al-fatwāʾ*)⁶⁰ at the expense of the analytic *fiqh* (*al-istidlālī*). The only exception to this generalization seems to be the book *Mustamsik al-ʿUrwa ʾl-Wuthqā* by Sayyid Muḥsin al-Ḥakīm (d.1390/1970) which can be considered a work based on juridical argumentations.⁶¹ In fact, the analytic concern of most Shiʿi authors was essentially focused on upholding Islamic tenets against the incursion of the Western value system or to find a compromise between these two. This feature is especially reflected in the writings of Muḥammad Ḥusayn Ṭabāṭabāʾī (d.1361^{sh}/1982), Murtaḍā Muṭahharī (d.1358^{sh}/1979) and Muḥammad Bāqir al-Ṣadr (d.1399/1979).

Another characteristic of this period is the shift of interest from mysticism to jurisprudence. This fact is demonstrated most by the life of the late Ayatollah Khomeini who adopted an Usuli approach in 1365/1945, twenty years after being initiated in the theosophic approach of the school of Mullā Ṣadrā.⁶² In fact, the Islamic mystical approach had long been considered outdated by the modernizing Muslims who claimed that Sufism slowed the progress of modernization.

The most significant change evident in this period is the development of the political role of jurisconsult (*faqīh*). This role evolved mainly in reaction to Western influence as was historically manifested in the quarrel between Mīrzā Ḥasan Shīrāzī and Nāṣir al-Dīn Shah over the Tobacco Concession (1308/1891). However, in the

⁶⁰Examples of opinionative *fiqh* in the contemporary period are *Minhāj al-Ṣāliḥīn* by Ayatollah Abūʾl-Qāsim Khūʾī and *Taḥrīr al-Wasīla* by Ayatollah Khomeini.

⁶¹See Muḥammad Ibrāhīm Jannatī, "Maṣādiq-i Aʿlam az Āghāz-i Ghaybat tā Kunūn," *Kayhān-i Andīsha* 7 (1986), p. 20. Personal interview with Ayatollah Muḥammad Mahdī Mūsavī Khalkhālī in Montreal, Dec 1989.

⁶²Ayatollah Khomeini found it a self-defeating act to continue teaching mystical texts in Qum; see Sayyid Jalāl Aṣṭiyānī, "Dar Rithāʾ-i Imām-i ʿĀrifān," *Kayhān-i Andīsha* 24 (1989), p. 40.

Constitutional Movement of 1324/1906, this development acquired another justification: the cause of justice. In this movement, the *ulama* played a leading role in establishing a parliamentary system in Iran, and also demonstrated their institutional ability to function beyond governmental dominance.⁶³

These events were followed by a series of religio-political theories to justify the means and ultimate goals of the *ulama*'s political role. Ayatollah Nā'inī (d. 1355/1936) legitimized the elected assembly as a deterrent and preventive power which performed the task of *ʿiṣma* during the absence of the Imam. However, this assembly was to be supervised by *mujtahids* as the Imam's vicegerents (*al-nuwwāb al-ʿāmma*).⁶⁴ Ayatollah Nūrī (d. 1328/1909), on the other hand, attempted to bring all public affairs including governance into the domain of *mujtahids*, regardless of an elected assembly.⁶⁵

The failure of the *ulama* in the elected assembly, which was part of the overall failure of the parliamentary system in Shi'ite Iran, caused Ayatollah Khomeini, the new juristic theorist, to contemplate an absolute rule of the jurist as direct vicegerent of the Imam. Ayatollah Khomeini first developed this doctrine within an Usuli framework in 1329sh/1950.⁶⁶ The scope of this doctrine, at that time, did not appear beyond introducing the *ulama* as the source of legitimacy for state affairs. In 1349sh/1970, Ayatollah Khomeini changed the scope of his doctrine by making it a practicable

⁶³See below, Part Two, Chapter Four.

⁶⁴Muḥammad Ḥusayn Nā'inī, *Tanbih al-Umma wa Tanzih al-Milla*, ed. Maḥmūd Ṭaliqānī (Tehran: Shirkat Intishārāt Kitāb, 1955), pp. 56-59.

⁶⁵Shaykh Faḍlullāh Nūrī, *Majmūʿa-yi Rasā'il, Iʿlāmiyahā, Maktūbāt va Rūznāma*, ed. M. Turkamān, 3 vols. (Tehran: Rasā, 1983), v.1, p. 59.

⁶⁶Rūhullāh Khomeini, *al-Rasā'il Tashtamil ʿalā Mabāḥith*, 2 vols. (Qum: Maṭbaʿa Qalamīya, 1965), v. 2, pp. 100-107.

program.⁶⁷ By the time of the success of the Islamic Revolution of Iran in 1979, both the development of *fiqh* and the role of jurisconsult entered a new era whose nature remains to be determined.

⁶⁷Idem, *Vilāyat-i Faqih* (Tehran: Amir Kabir, 1979).

Chapter Two

The Akhbari-Usuli Controversy Over Clerical Authority and The Methods of Acquiring Knowledge

The dispute over the authority of the ulama and their methods of obtaining religious knowledge are demonstrated in the Akhbari-Usuli conflicts in the period during which the institution of *marja'-i taqlid* emerged. Akhbaris are the Shi'ite traditionists who hold the opinion that the existing tradition-reports (*riwāyāt*) of the Imams provide sufficient religious knowledge without any need of applying the rational interpretive instruments employed by the Usulis.

It seems that the Shi'ite traditionist movement, like its Sunni counterpart, grew out of the broader *ḥadīth* movement which heightened in reaction to the dominant Mu'tazilite rational thought during the 3rd/9th century. This traditionalism among the Shi'is was primarily concerned with the collection and authentic transmission of *ḥadīth* as it is depicted in the writings of Kulaynī and Ṣadūq. This can be seen in the writings of Ṣadūq who even diminished the role of the jurisconsult (*faqīh*) in the presence of his *Man Lā Yaḥḍuruḥu'l-Faqīh*. The dominant Muslim concept then was that religious knowledge, in the first instance, was the knowledge of traditions which should be transmitted in the form of *ḥadīth*. The effort to collect *ḥadīth* at the early stage of Imami jurisprudence aimed at exposing religious knowledge rather than establishing or expanding upon it.

Our earliest references to the Akhbari traditionists are found in the writings of Imami *kalām* theologians such as Mufid, Murtaḍā and Ṭūsī who occasionally addressed an opponent group in terms of *muqallida*, *aṣḥāb al-jumal*,¹ *ahl al-akhbār* and *aṣḥāb al-*

¹Ṭūsī, *Uddat al-Uṣūl*, v. 1, pp. 348-49.

‘*adad*.² Each of the above mentioned terms denotes one side of the rudimentary feature of the early Akhbari traditionalism which coincided with primitive Usuli rationalism.

The rational tendency of Shi‘ite Usulism emerged in Baghdad, the center for *kalām*, which was under the influence of both Mu‘tazilite thought and Shafi‘ite jurisprudence. The towering figure who was responsible for the flourishing of this trend is Mufid although there is evidence³ that there had been limited practice of rational reasoning by earlier Usulis, especially by Ibn Abī ‘Aqīl al-‘Umānī and Ibn al-Junayd al-Iskāfī. Mufid and his disciples Murtaḍā and Ṭūsī applied Usuli rational arguments in reporting the traditions and they also wrote the first Shi‘ite works on *‘Ilm al-Uṣūl*. Mufid wrote the first Usuli treatise which is included in *Kanz al-Fawā'id* by Karājaki and Murtaḍā wrote *al-Dharī‘a* in which *‘Ilm al-Uṣūl* is considered to be an independent discipline. However, it was Ṭūsī who implemented the Usuli principles by thoroughly rearranging the context of Shi‘ite jurisprudence. This is why Ṭūsī is considered to be the first practitioner of *ijtihād* by later authors⁴ even if he rejected *ijtihād* in its unrestricted form (*ijtihād al-ra‘y*).⁵ Ṭūsī also wrote a treatise concerning *‘Ilm al-Uṣūl* in which he tried to create a preliminary framework for the Shi‘ite conception of the rational argument yet it seems that he approached it in the same manner as Mufid.

²Muḥammad b. Nu‘mān al-Mufid, *al-Radd ‘alā Aṣḥāb al-‘Adad*, quoted in Modarrisi Tabataba‘ī, *An Introduction*, p. 33. The term *aṣḥāb al-‘adad* originally refers to those Shi‘ite traditionists who calculated the number of days in the month of Ramaḍān according to the traditions rather than their own sighting of the crescent. See Tihirānī, *al-Dharī‘a*, v.10, p. 185.

³See Modarrisi Tabataba‘ī, *An Introduction*, p.35.

⁴Jannānī, "Ijtihād...", p. 17.

⁵Ṭūsī, *‘Uddat al-Uṣūl*, p. 39 and *Idem, al-Mabsūṭ*, v.1, p.2.

It should be noted that Usulism, in this stage meant a limited use of rational argumentation. In this period, the focus of the juridical arguments in general and the Akhbari-Usuli dispute in particular, was on the method of elucidating *fiqh* as it was expounded by Ṭūsī in the introduction to his *al-Mabsūṭ*. Ṭūsī pointed out that some Imamis are not prepared to acknowledge that a religious question can be stated in a form other than direct citation of tradition-reports.⁶ This feature remained the most characteristic of Akhbari-Usuli arguments although in response to later developments, there was a change of emphasis to other matters, such as the collection and distribution of *khums* (alms), the implementation of *ḥudūd* (punishments), leading the congregational prayer and the attitude toward ruling governments.⁷

The Akhbari trend seems to have lost its impetus by the end of the massive circulation of *ḥadīth* in the 4th/10th century. We do not come across any serious Akhbari work until the Safavid period. There are several evidences such as *Kitāb al-Sarā'ir*, *al-Milal wa'l-Nihāl* and *Kitāb al-Naqd* which indicate the presence of Akhbari-Usuli arguments, but all of these books were written by non-Akhbaris.⁸ Shaykh Ṭūsī likened the contemporary Akhbaris (*muqallida* and *aṣḥāb al-jumal*) to laymen and those tradition reciters who stop short of reasoning and content themselves to what sound easy to them.⁹ Shahrastānī put *akhbārīya* in the category of anthropomorphists

⁶Idem, *al-Mabsūṭ*, p. 4.

⁷See Andrew Newman, "The Development and Political Significance of the Rational (Usuli) and Traditional (Akhbari) Schools in Imami Shi'i History from the Third/Ninth to the Tenth/Sixteen century," Ph.D. (University of California, 1986), see part 1.

⁸Eran Kohlberg, "Akhbārīya," *Encyclopædia Iranica* (London and New York, 1984+), v.1, p. 717.

⁹Ṭūsī, *Uddat al-Uṣūl*, pp. 348-49.

(*mushabbiha*) and precedentists (*salafiya*), vis-a-vis *kalāmiya*.¹⁰ ‘Abdal-Jalīl Qazwīnī, the author of *Kitāb al-Naqqd*, referred to the Akhbaris in a pejorative sense by ranking them with exaggerative and heretical groups such as the Ghālīs and Ḥashwīs.¹¹ This fact and the absence of any serious Akhbari work in this period account for the viewpoint of the late Ayatollah Sayyid Muḥammad Bāqir al-Ṣadr who in his discussion of ‘Allāma Ḥillī’s account of the Akhbaris stated that:

The fact is that by the term Akhbaris, ‘Allāma Ḥillī referred to a stage of juridical thought not to a movement or a school in Shi‘ism. The Akhbari traditionalism represented the primitive phase of the Imami legal thought. It is this class of scholars which Tūsī describes as falling short in drawing secondary judgments. Thus Akhbaris in the early periods exhibit only a small degree of juridical thought.

Shaykh Muḥammad Taqī al-Iṣfahānī (d.1248/1832) in his commentary on *Ma‘ālim al-Uṣūl* stated that 'one deviates from the truth if one assumes that Akhbari and Usuli trends among the Shi‘is were always clear-cut. There is a big difference between the earlier and later Akhbari tendencies. Akhbaris of the earlier period had not been distinguished as a sect or school; but rather they were composed of people who could not deduce secondary judgement through the application of the Usuli rational methods. Because of their limited capacity, they had no choice but to content themselves with the text of traditions.¹²

In light of the above considerations, one can conclude that the Akhbari resurgence during the Safavid period, among other things, gave the traditionist movement a new juridical basis. However, this movement materialized primarily in reaction to the renewed popularity of Usuli rationalism in Ḥilla. A new mode of Usuli rational argument flourished in the Shi‘ite school of Ḥilla during the Mongol period. The most salient feature of this trend is the practice of *ijtihād* with a new definition and

¹⁰Muḥammad b. ‘Abd al-Karīm al-Shahrastānī, *al-Milāl wa l-Niḥāl*, 2 vols (Cairo: Maktaba Angelo, 1956), v.1, pp. 147, 154.

¹¹‘Abd al-Jalīl al-Qazwīnī al-Rāzī, *Kitāb al-Naqqd* (Tehran: Sipīhr, 1952), pp. 256 & 301.

¹²Ṣadr, *Ma‘ālim al-Jadīda*, p. 80-81.

wider application. *Ijtihād* as an effort to establish the best probability through the use of Usuli rational instruments found a new component, i.e. *ẓann* or a valid speculation which contrasted with *ra'y*, unrestricted reasoning. The latter, *ijtihād al-ra'y* was rejected in the writings of Mufīd, Murtaḍā and Ṭūsī as an equivalent of *qiyās* (analogy). The way in which they equated *ijtihād* and *qiyās* reveals that they had not been aware of any other definition of *ijtihād* although they, especially Ṭūsī, practiced *ijtihād* in its new sense. What the outstanding scholars of the Shi'ite school of Ḥilla did, especially Muḥaqqiq and 'Allāma, was to separate *ijtihād* from *ra'y* and *qiyās*, and to adopt a new conception of *ijtihād* as formulated by Sunni scholars such as Ghazālī and Fakhr al-Dīn al-Rāzī.

There is much evidence that both Muḥaqqiq and 'Allāma adapted their methodological theory along the lines of the legal theory expounded in *uṣūl al-fiqh* works in the Sunni community of the 5th/11th and 6th/12th centuries. A comparison of *Ma'ārij al-Uṣūl*¹³ by Muḥaqqiq and *Tahdhīb al-Wuṣūl*¹⁴ by 'Allāma with *al-Mustaṣfā*¹⁵ and especially *al-Mankhūl*¹⁶ by Ghazālī indicates that Ghazālī's conceptions of *ẓann* (valid speculation) and *al-i'tibārāt al-naẓariyya* (theoretical considerations) bear directly upon the two Ḥillīs' approaches in settling new components for *ijtihād*. Muḥaqqiq and 'Allāma's way of conceptualizing topics of *'Ilm al-Uṣūl* indicates that they have not continued to follow the patterns set by Murtaḍā and Ṭūsī, rather they developed their own method under the influence of Sunni authors such as Fakhr al-Dīn

¹³Muḥaqqiq Ḥillī, *Ma'ārij al-Uṣūl*. pp. 117-121, 134-140.

¹⁴'Allāma Ḥillī, *Tahdhīb al-Wuṣūl ilā 'Ilm al-Uṣūl* (Tehran: Litho, 1890), pp. 98-104.

¹⁵Ghazālī, *al-Mustaṣfā*. v. 2, p.350.

¹⁶Idem, *al-Mankhūl*. pp. 451-83.

Rāzī. Rāzī composed one of the most extensive works on *ʿIlm al-Uṣūl* in which the concepts of *ẓann* and *ijtihād* are clearly defined.¹⁷

As Wilferd Madelung has pointed out Muḥaqqiq explicitly admitted that legal norms were "often based on theoretical considerations not deduced from the literal meaning of the traditions texts."¹⁸ Such a statement can be considered "a radical departure from the traditions of early Imami Shiʿism, which led to a great increase in the ulama's authority in the practical affairs of the community."¹⁹ Another novelty introduced by Muḥaqqiq and ʿAllāma which was considered by later Akhbaris as a departure from the path of early Imamis, was the division of the community into two groups: *mujtahids* and their followers.²⁰ Indeed, this indicates the enhanced position of the Shiʿite ulama: but it is important to consider this change in light of the overall conceptual evolution of the Muslims. Shiʿite jurists, on many points, especially those concerning *ijtihād* and its correlation to *taqlīd*, were strongly influenced by their fellow Sunni scholars. Their introduction of new concepts or new definitions, therefore, cannot be isolated from the dominant Sunni environment.²¹ In fact, it was Ghazālī who put emphasis on the idea of the incumbency of *taqlīd*, and the division of the community

¹⁷Fakhr al-Dīn, Muḥammad b. ʿUmar al-Rāzī, *al-Maḥṣūl* 2vols in 6 facsims (Riyāḍ: Ibn Saʿūd University, 1979), v.1, pt. 1, p. 102; v.2, pt. 3, pp. 7, 36, 55, 98.

¹⁸Wilferd Madelung, "Authority in Twelver Shiʿism," *La notion d'autorité au Moyen Age* (Paris: Presses Universitaires de France, 1982), p. 168.

¹⁹Ibid. This "departure" seems to be a result of Shiʿi-Sunni rapproachment. See below Part Two, Chapter One, pp.117-27.

²⁰Muḥaqqiq Ḥillī, *Maʿārij al-Uṣūl*, p. 134 and ʿAllāma al-Ḥillī, *Mabādī al-Wuṣūl* (Tehran: Lithograph, 1892), p. 53.

²¹It is noteworthy that al-Astārābādī in his sarcastic criticism of Muḥaqqiq and ʿAllāma has barely isolated them from their Sunni environment as he names al-ʿAḍudī, Ibn Ḥājib, al-ʿĀmidī, al-Taftāzānī and al-Rāzī as ones who set patterns for two Ḥillīs. See Astarābādī, *al-Fawā'id al-Madaniya*, especially p. 277.

into the ulama and common men (*ʿawāmm*)²² which was endorsed in Rāzī's chapter of *al-Muftī wa'l-Mustaftī*²³ and developed further in Ṣayf al-Dīn al-Āmidī's chapter on *taqlīd*.²⁴

However, in the wake of the centralization of the Mongol political structure and the abrogation of the Caliphate, one can conclude that the Shiʿite ulama, like their Sunni counterparts enhanced their own authority on the basis of the development of rational arguments over the daily affairs of the community. During the following century, the school of Jabal ʿĀmil sustained the conception of *ijtihād* and juridical authority expounded by the two Ḥillī's. Moreover, this school developed the doctrine of general vicegerency (*al-niyāba 'l-ʿāmma*) in order to legitimize the authority of the ulama with respect to the collection and distribution of *khums*, qadiship and leading the congregational prayer.²⁵ According to this doctrine, the ulama, because of their piety and knowledge of the Shariʿa, stand among the first rank to assume the Imam's authority on specific cases which cannot be left without any custodian during the occultation. Next to the ulama, however, are "just believers" (*al-ʿudūl al-mu'minīn*) who should assume this responsibility. It is clear that there was a shift in the emphasis from the reported traditions to rational arguments. Although the reported traditions invested the ulama with scriptural authority, there was now a tendency to resort to the rational argument of necessity, in order to justify a kind of general vicegerency during the absence of the Imam. This gradual shift in emphasis, then, was a call for vesting the

²²Ghazālī, *al-Mustaṣfā*, v. 2, pp. 289-90.

²³Rāzī, *al-Maḥṣūl*, v. 2, pt. 3, p. 93.

²⁴Ṣayf al-Dīn ʿAlī b. Abī ʿAlī al-Āmidī, *al-Iḥkām fī Uṣūl al-Aḥkām*, 4 vols. (Cairo: Dār al-Ḥadīth, n.d.) v. 4, pp. 297-319.

²⁵Shahīd al-Thānī, *al-Rawḍa 'l-Bahīya*, pp. 255-65.

authority of the Imam in the community with the ulama having first priority in the assumption of such authority.

This mode of assuming juridical authority is evident in the writing of Shaykh ʿAlī Karakī, another member of the school of Jabal ʿĀmil who served under Safavid kings. With regard to the congregational prayer and land tax, Karakī seems to have put equal emphasis on reported traditions and the doctrine of general vicegerency.²⁶ But Modarrisi Tabatabaʿi understood from Karakī's comments that he sanctioned a full replacement of the Imam's functions by the ulama in all affairs where substitution was possible.²⁷ Reaction to the heightened Sunni-Usuli interaction in the school of Ḥilla became a point of departure for the new Akhbarism on the juridical level. It culminated with the rise of Astarābādī who re-established the juristic foundation of Imami traditionism. However, the trend was highly influenced by the spread of folk Shiʿism among Turkish tribes who eventually brought the Safavids to power in 909/1502. The folk extremist nature of early Safavid Shiʿism combined with their Sufi allegiance provided fertile ground for a broader reliance on the Imams' traditions at the juristic level.

Before the emergence of Astarābādī, Ibn Abī Jumhūr (of late 9th/15th century) began to recollect the relevant traditions employing methods similar to that of the Akhbaris. As reflected in the introduction to his *ʿAwālī*, Ibn Abī Jumhūr evaluated the ulama for their interpretive role by means of using the method of *dirāya* (insightful evaluation of *ḥadīth*) and *riwāya* (reporting a tradition from the Prophet and the Imams). He also praised God for appointing the ulama as successors of the Imams in the interpretation of the *sharīʿa*. It seems at first glance that Ibn Abī Jumhūr was trying

²⁶Said Amir Arjomand, *The Shadow of God and the Hidden Imam* (London and Chicago: University of Chicago Press, 1984), pp. 141-42.

²⁷Hossein Modarrisi Tabatabaʿi, *Kharāj in Islamic Law* (London: n.p., 1983), p. 157.

to compromise between the two concepts of *dirāya* and *riwāya*. However, he concludes his introduction by emphasizing *al-samʿ wa'l-ijāza* (hearing and permitting) which indicates his Akhbari tendency.²⁸ Nevertheless his way of equating the authority of the ulama with the Prophet and Imams indicates his hierarchical conception of authority which is often re-emphasized by the term *dhū 'l-riyāsāt* possessor of many offices.²⁹

Muḥammad Amīn Astarābādī (d. 1036/1626) was an Usuli student in his youth. The change in his juridical stance demonstrates the changing mode of religiosity at the beginning of 11th/17th century. The significance of Astarābādī's work is two-fold: first, he tried to adapt the nature of jurisprudential authority to the popular religious currents of the time; second he formulated theoretical bases such as the doctrine of customary certainty (*al-yaqīn al-ʿādī*)³⁰ and sensible reasoning (*al-ʿaql al-ḥissī*)³¹ for the Shiʿi traditionalism. By means of these doctrines Akhbarism had a new theoretical base which was able to pose a serious threat to Usulism.

By carefully examining *al-Fawā'id al-Madaniya* in which Astarābādī illustrated his firm grasp of Usuli-Sunni interactions as well as his anti-Sunni sentiments, it seems legitimate to claim that he sincerely tried to create a new uniformity in the Imami doctrine of acquiring religious knowledge although later he was generally accused of inciting division between Imamīs. According to his methodological approach, outright acceptance of the tradition-reports brings about more uniformity than application of preponderant probability because the latter results in circulation of various

²⁸Ibn Abī Jumhūr al-Aḥsāʾī, *ʿAwālī al-laʾālī al-Azīziya fi'l-Aḥādīth al-Dīniya*, ed. Mujtabā al-ʿIrāqī (Qum: n.p., 1983), v. 1, pp. 1-3.

²⁹Ibid., p. 2.

³⁰Astarābādī, *al-Fawā'id al-Madaniya*, pp. 48, 273.

³¹Ibid., pp. 19, 20, 129, 130.

opinions.³² In order to impose this uniformity, Astarābādī goes as far as to exclude the Qur'ān from among the direct sources of Shi'ite legal doctrine and practice. "The Qur'ān cannot be understood directly" Astarābādī said. "we should obtain its true meanings from the tradition reports."³³ It is apparent from the above account that although Astarābādī expounded a well-grounded juridical argument, he was influenced by folk Shi'i ideas of supremacy of traditions over all other sources of the *sharī'a*. It is not an accident that he relies primarily on the popular traditions from *al-Kāfi* on this issue.

Astarābādī's vigorous attack on the office of *mujtahid* does not mean that he denied any juristic authority to the jurists during the absence of the Imam of the Age. In the chapter entitled "to whom should people refer for qadiship and issuing *fatwās* (legal opinion)", Astarābādī allowed the ulama to assume the Imam's duties with a similar Usuli argument.³⁴ It is noteworthy that the two traditions of Ibn Ḥanẓala and Abū Khadīja are referred to with a language similar to that of the Usulis.

It is evident that the focal point of Astarābādī's disagreement with Usuli *mujtahids* is not the authority of the ulama *per se* but rather the means of acquiring this authority. Astarābādī consciously discarded the Usuli conception of developing religious knowledge (*ijtihād*) in favor of the tradition-reports which he declared to be the sole criterion through which to standardize Islam. He calls tradition-reports *marja' al-Shī'a* (authoritative reference of the Shi'is) during the occultation.³⁵ One reason for this change of emphasis lies in the changing mode of the Shi'i-Sunni interaction after the success of the Safavids. Some contemporary authors suggested that the widespread

³²Ibid., pp. 7, 41, 45.

³³Ibid., pp. 103-113. For a similar opinion by another Akhbari author see al-Ḥurr al-ʿĀmilī, *Wasā'il al-Shī'a*, v.18, p. 129.

³⁴Ibid., pp. 150-51.

³⁵Ibid., p. 2, 272.

borrowing from the Sunni theory regarding *ijtihād* and *ẓann*, as well as the Shi'ite confusion over the definition of *ijtihād* made Astarābādī choose such an acute trend of traditionalism.³⁶ This kind of reaction can be seen in Muqaddas Ardabīlī's (d. 993/1585) mild Usuli rationalism. He rejected "the opinion of all previous jurists wherever they excluded traditions on the basis of a rational argument."³⁷

The effect of Astarābādī's synthesis between contemporary folk Shi'ism and the advanced Usuli reliance on speculation and *ijtihād* was quick and widespread. According to the contemporaneous author Muḥammad Taqī Majlisī (d. 1020/1659), "the majority of the students in the Shi'ite centers of learning (Najaf, Karbalā and Kāẓimayn) adopted Astarābādī's traditionism as soon as his book reached these cities. Indeed, most of what Astarābādī said is faithful to the truth although I have chosen a moderate position between exaggeration and shortcoming."³⁸ By this moderate position, he means to reject analogy (*qiyās*) and unrestricted reasoning (*ra'y*) and to confine *ijtihād* to the effort of harmonizing the apparently contradictory tradition reports.³⁹

This mode of Shi'ite traditionism brought to the fore the circulation of new tradition-reports which were not previously collected. As a result, another series of *ḥadīth* collections were produced. The most important of these collections are the voluminous *Biḥār al-Anwār* by Muḥammad Bāqir Majlisī, *al-Wāfi* by Mullā Muḥsin Fayḍ Kāshānī and *Wasā'il al-Shī'a* by al-Ḥurr al-ʿĀmilī, all of which exhibit an Akhbari approach to Shi'ite jurisprudence.

³⁶Jannātī, "Qiyām-i Akhbārīhā" pp. 2-22.

³⁷Modarresi Tabataba'i, *An Introduction*, p. 53.

³⁸Muḥammad Taqī Majlisī, *Lawāmi'i-ṣ-Ṣāhibqarānī al-Mushtahar bi Sharḥ al-Faḥīh* (Tehran: ʿIlmī, n.d.), p. 38.

³⁹Ibid., pp. 36-52.

The Akhbari refusal to apply the Usuli instruments does not mean that Akhbaris did not incorporate some of these instruments; they simply based their validity on a different source than the Usulis. For example, *aṣl al-istiṣhāb* (the principle of presumption of a past situation when there is no proof to indicate the change of condition), which is the most popular principle of the *al-uṣūl al-ʿamaliya*, was practised by later Akhbaris based on a new series of Traditions collected by Akhbari authors. By means of these tradition collections, Akhbari ulama re-established the validity of some of the Usuli principles with which they could not dispense⁴⁰. In fact, as Ayatollah Ṣadr suggested the Akhbari refusal of Usuli methods contributed to the discovery of a number of new traditions which were later used by the same Usulis to further their own ends with regard to *ijtihād*.⁴¹

The fact that a new generation of traditionists, especially Muḥammad Bāqir Majlisī, legitimized a number of Usuli principles through recollection of *ḥadīth*, confirms our earlier suggestion that the basis of the Akhbari-Usuli conflict centered on the means of acquiring both religious knowledge and authority.⁴² The socio-religious conditions of the time determined the specific shifts in emphasis of the conflict. Nevertheless, either because of their unexplained rudimentary nature or because of the orthodox Akhbari approach to it, several Usuli principles could not escape the serious criticism of the Akhbaris. Among these principles is the Usuli doctrine of *ʿaql* (intellect).

⁴⁰Abū 'l-Qāsim Gurjī, *Nigāhī bi Taḥavvul-i ʿIlm-i Uṣūl va Maqām-i ān dar Miyān-i ʿUlūm-i Dīgar* (Tehran: Dānishgāh, 1973), p.42.

⁴¹Ṣadr, *al-Maʿālim al-Jadīda*, p. 82.

⁴²See Muḥammad Bāqir Majlisī, *Biḥār al-Anwār*, v.2, pp219-255. See also A. Gurjī, *Nigāhī bi Taḥavvul-i ʿIlm-i Uṣūl*, p.42.

The concept of *‘aql* flourished in Shi‘ite thought under the influence of Mu‘tazilite intellectual arguments which found a place in the works of both Imami traditionists such as Kulaynī and Ṣadūq and *kalām* theologians, such as Mufīd, Murtaḍā and Ṭūsī. But in the early stages of Imami thought, this notion of *‘aql* was treated in its general sense. *‘Aql* as a source of Shi‘ite law is employed as a means of deducing religious rulings and was explicitly identified as such only by Ibn Idrīs Ḥillī (d.598/1201) in his *al-Sarā’ir*.⁴³ A century later, Muḥaqqiq Ḥillī restricted the application of *‘aql* to two realms: verbal inferences such as the tone of religious discourse and independent rational inducements (*al-mustaqillāt al-‘aqliya*) such as the human conception of badness and goodness.⁴⁴ Henceforth, the scope of the application of *‘aql* was continuously changed by later *mujtahids*. The Usuli confusion over the definition and limits of the use of *‘aql* led Astarābādī to discard *‘aql* in its Usuli sense.⁴⁵ However, Astarābādī adopted a concept which he termed rational sensation (*ḥiss*) which comes close to *‘aql*.⁴⁶ Etan Kohlberg has a passage which illustrates how this *‘aql* leads to knowledge:

The knowledge acquired in this way, while insufficient to lead to absolute certainty (*yaqīn wāqī‘ī*) as to God's intent, does establish with certainty that the religious law conforms to the transmitted utterances of the Imams. It is this 'customary' (*‘ādī*) certainty which matters for religious practice, not the preponderant probability (*ẓann*) which,

⁴³Muḥammad Ridā al-Muẓaffar, *Uṣūl al-Fiqh*. 3 vols. (Najaf: Amīn, 1962), v.3, p.108.

⁴⁴Ibid., v. 3, p. 109.

⁴⁵Astarābādī, *al-Fawā'id al-Madaniya*, pp. 104-106, 133.

⁴⁶Ibid., pp. 19-20, 129-130.

according to the Uṣūlīs, is the closest one can get to knowing the meaning of the tradition.⁴⁷

It is noteworthy that the contemporary scholar, Ayatollah Muḥaffar, after carefully evaluating the various Shi'ī accounts of *ʿaql*, was able to propose his own formula of it as a religious proof. He confined independent rational inducements to human conception of badness and goodness, and considered the rest to be logical requirements (*al-mulāzimāt al-ʿaqliya*).⁴⁸

One of Astarābādī's followers, Jazā'irī, also accused the Uṣulīs of not clearly stating what they meant by *ʿaql* as a religious proof. Jazā'irī, however generally rejected logical inferences except in cases where the conclusion was self-evident.⁴⁹ Shaykh Yūsuf al-Baḥrānī also rejected the validity of *ʿaql* unless it is confirmed by inherent human rationale (*al-ʿaql al-fiṭrī*).⁵⁰ Minimizing the authority of the human intellect to self-evident cases was a means by which Akhbari jurists tried to conform to folk currents of the devotional attachments to the Imams. By upholding the traditions, the jurists managed to both sustain their authority as reporters of traditions and to confront the extreme devotional religiosity of the time. With a different point of view, Amir Arjomand defines the role of "devotionalism" during the Safavid period: "The devotionalism advocated by the proponents of traditionalism made it attractive to ordinary believers, and it grew into a movement of very considerable importance."⁵¹ Amir Arjomand considers Akhbari traditionalism as a factor contributing to the

⁴⁷Etan Kohlberg, "Aspects of Akhbari Thought in the Seventeenth and Eighteenth Centuries," in *Eighteenth Century Renewal and Reform in Islam*, ed. Nehemia Levitzion and John Voll (Syracuse: Syracuse University Press, 1987), pp. 133-161.

⁴⁸Muḥaffar, *Uṣūl al-Fiqh*, pp. 112-115.

⁴⁹Jazā'irī, *al-Anwār al-Nuṣmāniya*, v. 3, pp. 129-133.

⁵⁰Baḥrānī, *al-Ḥadā'iq*, v. 1, pp. 125-132.

⁵¹Arjomand, *The Shadow of God*, p. 147.

devotional attachment to the Imams while we consider it to be a product of such devotionalism.

The Usuli rational trend continued during the Safavid period and afterwards although it did not flourish. The most significant Usuli figures of this period are Shaykh ʿAlī al-Karakī, Bahāʾ al-Dīn Muḥammad b. Ḥusayn al-ʿĀmilī, Ḥusayn b. Jamāl al-Dīn Muḥammad al-Khwānsārī (d.1098/1687), al-Fāḍil al-Hindī (d. 1137/1725), Ḥasan b. Zayn al-Dīn al-ʿĀmilī Ṣāhib al-Maʿālim (d.1011/1602) and al-Muqaddas Aḥmad b. Muḥammad al-Ardabilī. Each of the above scholars in one way or another re-expressed and refined Shiʿite law. Most of these jurists also were inclined towards mysticism or philosophy in addition to their Usuli orientation. It seems that an essential characteristic of Safavid doctrinal Shiʿism was its multifaceted system of thought which is evident in the fact that most Akhbari traditionists were also inclined towards a gnostic philosophy. The unifying factor of these various inclinations was their anti-Sunni devotional attachment to the Imams. When this anti-Sunni tendency lost its momentum in the middle of the Safavid period, especially during the reign of Shāh ʿAbbās II, the differences emerged clearly. It started with the anti-Sufi reaction of the Usuli ulama and soon turned into the Akhbari-Usuli controversy.

Unlike the Sufi-Usuli conflicts, the Akhbari-Usuli confrontation continued to be a doctrinal dispute over the application of *ijtihād* until the beginning of the 13th/19th century; this was followed by the accusation of heresy and physical clashes. The two men responsible for bringing the Akhbari-Usuli arguments to a climax are Muḥammad Bāqir al-Bihbahānī and Shaykh Yusūf al-Baḥrānī. The rise of Bihbahānī was important for the re-establishment of the Usuli position in the Twelver-Shiʿite community; yet a more important issue was the reason Baḥrānī yielded ground which led to the success of the Usulis. Recent examination of Baḥrānī's works indicates that perhaps he considered the Akhbaris to be guilty of creating division within the ranks of the Imamis in the latter

part of his life.⁵² One biographer has even suggested that Baḥrānī had later changed his position and approved of the practice of *ijtihād* and the employment of Usuli arguments but hid this change from public view.⁵³

Madelung's brief review of *al-Hadā'iq al-Nāḍira*, an extensive and popular *fiqh* work, touches the core of Baḥrānī's dilemma. Madelung stated that Baḥrānī later espoused an intermediate position between the two factions.⁵⁴ By comparing *al-Hadā'iq al-Nāḍira* with other juridical works of the Akhbaris, we find that Baḥrānī was the first Akhbari jurist to write a comprehensive book on *fiqh* and for writing a full-fledged work of such nature he had to use his *ijtihād* in the interpretation of the Qur'ān and tradition-reports. Although rejecting the role of *ijmā'* (consensus) and *'aql* (intellect),⁵⁵ Baḥrānī applied and defended the usefulness of deriving legal rulings in applied law (*furū'*). In light of the above considerations, one can conclude that Baḥrānī was the founder of a new juridical Akhbarism which had to compromise with some Usuli principles in order to establish its authority for developing a newer system of law. From an Akhbari point of view, the time was ripe to apply recently collected traditions for the exposition of law in a systematic manner; it was a compromise at the expense of some of the previously-held Akhbari tenets.

In his *al-Hadā'iq*, Baḥrānī posed the question of how to derive law (*fiqh*) when the possibility of acquiring knowledge no longer existed with the occultation of the Imam. He suggested that the community must await the return of the Imam or it must

⁵²Kohlberg, "Akḥbārīya....," p. 718.

⁵³Jannāṭī, "Qiyām-i Akḥbārīhā...." pp. 13, 14.

⁵⁴Madelung, "Akḥbārīyya," *Encyclopædia of Islam*, New Edition (Leiden: E. J. Brill, 1980) Supplement fol. 1-2, pp. 56-57.

⁵⁵Baḥrānī, *al-Hadā'iq*, v. 1, pp. 35-40.

have recourse to *ijtihād*. He, however, preferred the latter.⁵⁶ In fact, the manner in which Baḥrānī expounded *fiqh* persisted among Akhbaris until the present time and even affected Usuli works despite the fact that Akhbarism was defeated at the hand of Bihbihānī.

Unlike Baḥrānī, Bihbihānī did not spend his time writing *fiqh*: on the contrary his primary concern was Usuli polemics. In his most celebrated work *Risālat al-Ijtihād wa'l-Akhbār*, Bihbihānī set forth the argument that the speculation (*ẓann*) of the *mujtahids*' was the only valid avenue of acquiring knowledge during the occultation of the Imam from the community.⁵⁷ He argues that if the Akhbaris mean self-conviction (*sukūn al-nafs*) by their formula of customary knowledge (*al-ʿilm al-ʿādī*), it is the speculation of qualified *mujtahids* which leads to such conviction.⁵⁸ Bihbihānī's belief in the *mujtahids*' ability to establish proof led him to consider the *mujtahid* as the vicegerent of the Prophet although he did not elaborate on this theme. Baḥrānī, too, considered the jurists to be vicegerents of the Imams, possessing his high offices (*al-manāṣib al-jalīla*) such as qadiship, performing congregational prayer and collecting and distributing of *khums* alms.⁵⁹ Baḥrānī legitimized the assumption of the Imam's authority on the basis of the principle of general vicegerency (*al-niyāba 'l-ʿāmma*) which indicates that he was more in line with the school of Jabal ʿĀmil, especially that of al-Shahīd al-Thānī, on the problem of juristic authority. Baḥrānī's theoretical efforts to establish Akhbari law on a more suitable ground seem to have pulled the Akhbaris

⁵⁶Ibid., v. 6, p. 301.

⁵⁷Muḥammad Bāqir Bihbihānī, *Risālat al-Ijtihād w'al-Akhbār* (Tehran:Lithograph, 1895), p. 16.

⁵⁸Ibid., p. 91.

⁵⁹Baḥrānī, *al-Ḥadā'iq*, v. 9, p. 359.

into a compromise -i.e.re-adoption of *ijtihād* to a limited extent- from which the Usulis benefited.

It should be noted that the Akhbari-Usuli confrontation was approached from different viewpoints by recent scholars such as Newman and Amir Arjomand. Newman emphasizes the political significance of this conflict especially regarding the nature of clerical authority.

...the conflict comprised not only disagreement over the sources of the doctrine and practice, but disagreement also over the nature of clerical authority within the community during the period of the occultation (absence) of the Imam from his community--for example, in the areas of leading of congregational prayer, the collation and distribution of alms and the revenues from special tax known as al-khums (the fifth), and the implementation of al-hudud (punishments), and the attitude toward secular authority.

In general, it may be said that the Akhbari polemic addressed itself to and opposed the Usuli incorporation of rationalist methods of analysis and interpretation into the exposition of Imāmī doctrine and practice, the monopolization of authority in day-to-day community affairs, both of which resulted in the development of a hierarchical structure of authority within the community as believers become distinguished as *faqih* (legists, pl *fuqaha*)/ *mujtahid* (practitioners of *ijtihād*) and *muqallid* (follower) with the latter required to follow the practice and rulings of the former, and the degree and extent of interaction between believers and secular authority the Usulis postulated as necessary during the occultation.⁶⁰

The Akhbari opposition to the rationalist methodology of the Usulis in the exposition of Imami law was due primarily to the Usulis' monopolization of authority in day-to-day affairs, as mentioned in Newman's second paragraph cited above.

Disagreements over congregational prayer, the collection of *khums*, administration of justice and the attitude towards secular power do not, however, seem to constitute a consistent characteristic of the Akhbari-Usuli controversy. There were also a number of Usuli ulama who opposed performance of one or many of the above duties during the

⁶⁰Newman, "The Development...." pp. 2-3.

absence of the Imam. For example Sallār b. ʿAbd al-ʿAzīz and Ibn Idrīs, both strict Usulis, opposed the performance of the congregational prayer during the occultation.⁶¹ On the other hand, several Akhbari ulama like Shaykh Yūsuf and Shaykh Sulaymān al-Baḥrānī approved of the execution of such duties by the *faqīh* during the occultation.⁶²

Andrew Newman places emphasis on the anti-rationalist, individualistic as well as non-authoritarian and anti-accommodationist features of Akhbari traditionalism. These features seem to be distinctive only in the pre-Safavid era when the Akhbari trend was most characterized by piety and folk devotional Shiʿism. In the post-Safavid period, the doctrines and practices of Akhbari-oriented figures such as Majlisī the Elder, Fayḍ Kashānī, al-Ḥurr al-ʿĀmilī, Jazāʾirī and Majlisī the Younger appear to be different. Each of the above jurists developed his own accommodationist and authoritarian attitudes which paralleled the Usuli's approach to authority.

The anti-rationalist aspect of Akhbarism seems to have stemmed from the deep-rooted tradition of informality in Shiʿite thought. The Akhbari opposition to Usuli rational argumentation appears to be focussed on the formality of the Usuli approaches to the authority of both the Imams and their traditions. The attacks on Ḥilli's tendency to divide the community between *mujtahidūn* and *muqallidūn* and his invention of *ʿIlm al-Dirāya* demonstrate Astarābādī's focal points for opposition. From a juridical point of view, the Akhbaris aimed at a more informal presence of the Imam's authority by means of acceptance of the tradition-reports.⁶³ From a different perspective, Amir Arjomand examined the challenge of Akhbaris to the principle of legitimacy of

⁶¹Baḥrānī, *al-Ḥadāʾiq*, v. 9, p. 393.

⁶²Ibid.

⁶³See below Part Two, Chapter Four.

"hierocratic authority." In his investigation of the norms of authority in Shi'ism, Amir Arjomand considers the Akhbari traditionalist conception of imamate as a rejection of any extension of the authority of the Imam during the occultation, while conceding de facto religious authority only to the compilers of tradition-reports.⁶⁴ After quoting Astarābādī and Fayḍ Kashānī on the refutation of *ijtihād*, Amir Arjomand concludes that

Thus Akhbari traditionalism posed a serious and direct challenge to the principle of legitimacy of hierocratic authority in jurisprudence and consequently hindered the consolidation of a differentiated hierarchy of religious professionals. Akhbari traditionalism bore the imprint of the outlook of the clerical estate, which tended to prefer philosophy and hermeneutic and devotional mysticism, centering around the figure of the Imams, to the syllogistic hairsplitting of the jurists. Furthermore...it implied an essentially stratified model of the religious community, separating the happy few, the intellectual virtuous capable of innerworldly salvation through gnosis, and the mass of ordinary believers whose lot was the devotional piety to the figures of the Imams and the observance of their explicitly transmitted instructions.

The devotional attachment to the Imams also enhanced the hegemony of the *sayyids* of the clerical estate by strengthening their charisma of lineage...

Thus the important political consequence of Akhbari traditionalism was the enhancement of the charisma of the (purported) descendants of the Imams.⁶⁵

The fact that the Akhbaris conceded de facto religious authority only to the compilers of tradition-reports can be substantiated by a number of Akhbari juridical works. In his *al-Fawā'id al-Madaniya*, Astarābādī introduced transmitters of *ḥadīth* as authorities to whom one should refer on questions of a religious nature and for the position of qadiship.⁶⁶ Also, al-Ḥurr al-ʿĀmilī who generally rejected the idea of

⁶⁴Arjomand, *The Shadow of God*, p. 13.

⁶⁵Ibid., pp. 146-47.

⁶⁶Astarābādī, *al-Fawā'id al-Madaniya*, p. 150-51.

following anyone but the infallible Imam, nevertheless, in the second chapter of his book on qadiship suggested the obligation of resorting to the transmitters of *ḥadīth* for qadiship.⁶⁷ Fayḍ Kashānī leaves no doubt that only compilers of *ḥadīth* are entitled to judge between people and to administer their daily affairs.⁶⁸

Another focal point of the Akhbari-Usuli conflict for modern scholarship is the economical roots of Usuli strength. Juan Cole considers Bihbahānī's strong merchant contacts especially through the family ties which proved to be crucial in his victory over the Akhbaris. He says, "At some point Bihbahānī began to feel that he had enough students, monetary support, and security to challenge Baḥrānī openly, an extent that led to the polarization of the scholarly community in Karbalā during the 1760's."⁶⁹ However, Juan Cole does not concern himself with similar ties in the Akhbari camp as depicted in the biographies of Majlisī, Jazā'irī and Baḥrānī.

On the basis of Baḥrānī's analytic exposition of *fiqh*, we may conclude that Akhbari traditionalism had reached a point where it was able to concede to the jurisprudent the authoritative position similar to that given by the Shi'ite scholars of Jabal 'Āmil. Although Baḥrānī's rational compromise with *ijtihād* was successful in the doctrinal sphere, it provided a gap in the Akhbari spiritual zeal⁷⁰ which was of benefit to Bihbahānī who also infused the Usuli rational argument with the new spirit. This spirit, although reinforced by Bihbahānī's students, did not go so far as to pronounce the

⁶⁷Hurr al-'Āmilī, *Wasā'il al-Shi'a*, v. 18, p. 98.

⁶⁸Fayḍ Kāshānī, *Haqā'iq*, trans by Sā'idī Khurasānī (Tehran:Shams, 1961), p. 33, 39.

⁶⁹Juan Cole, "Shi'ī Clerics in Iraq and Iran, 1722-178 : The Akhbari-Usuli Conflict Reconsidered," *Iranian Studies* 18 (1985): 20.

⁷⁰See Muḥammad Ibrāhīm Jannā'ī, "Ghalaba-yi Ijtihād bar Akhbārīgari," *Kayhān-i Andīsha* 14 (1987), p. 13.

Akhbaris as infidels.⁷¹ In his treatise on *ijtihād*, Bihbihānī rebuffed the Akhbari rejection of *ẓann* but repeatedly called the Akhbaris "our ulama"⁷² "our master (*mawlānā*) Astarābādī"⁷³ and "may God forgive them"⁷⁴ with a compromising tone. In this work, we do not find any refutation of the Akhbaris as infidels or suggesting that they be excluded from the community. This fact is equally true of another important Usuli polemical work, i.e. *al-Ḥaqq al-Mubīn* by Bihbihānī's distinguished pupil, Shaykh Jaʿfar Kāshif al-Ghiṭāʾ.⁷⁵ The idea of excluding the Akhbaris from the Shiʿa community is not only alien to the language employed in this book but rather he opposed the condemnation of them because of their disagreements with the Usulis on minor points of religion.⁷⁵

In order to place the Usuli reaction to the Akhbaris in its proper context, it seems essential to differentiate the politicized attitudes of Usulis from their religious disputes. Although related, the hostile attitudes hardly amounted to refutation of faith concerning Akhbari traditionalism. Nevertheless, in the case of Mīrzā Muḥammad Akhbārī (d.1233/1178), the confrontation between him and Shaykh Jaʿfar Kāshif al-

⁷¹For rhetorical denunciation of Akhbaris as infidels see Madelung, "Akhbāriyya....," pp. 56-57; Kolberg, "Akhbāriyya....," p. 716; Arjomand, *The Shadow of God*, pp. 145-47; Moojan Momen, *An Introduction to Shiʿa Islam: The History and doctrines of Twelver Shiʿism* (New Haven and London: Yale University Press, 1985), p. 127; Hamid Algar, *Religion and State in Iran 1785-1906. The Role of the Ulama in Qajar Period* (Berkeley: University of California Press, 1969), p. 35. Dr. Algar, at this point, confuses Muḥammad Bāqir al-Bihbihānī with his son Muḥammad ʿAlī al-Bihbihānī. The latter although known publicly as Sufi-killer had no anti Akhbari sentiment. See Khwānsārī, *Rawḍāt al-Jannāt*, 8 vols., trans. Muḥammad Bāqir Sāʿidī Khurāsānī (Qum: Ismāʿīliyyān, 1980) v. 7, p. 384.

⁷²Bihbihānī, *Risālat al-Ijtihād w'al-Akhbār*, p. 48.

⁷³Ibid., p. 47.

⁷⁴Ibid., p.16, 53.

⁷⁵Shaykh Jaʿfar Kāshif al-Ghiṭāʾ, *al-Ḥaqq al-Mubīn* (Tehran: Lithograph, 1898), p. 3.

Ghiṭāʾ was so politicized that the latter denounced the former as infidel in a letter sent to the Qajar king Fath ʿAlī Shah.⁷⁶

The intensive contest between Mīrzā Muḥammad Akhbārī and Shaykh Jaʿfar Kāshif al-Ghiṭāʾ for the same political patronage in an effort to consolidate their religious position exhibits the peak of a struggle which aimed at the institutionalization of their conflicting doctrines. Shaykh Jaʿfar Kāshif al-Ghiṭāʾ, as we will see in the second part of this study, is one of the most significant figures to pave the way for the emergence of the institution of *marjaʿ-i taqlīd*. By reformulating the principle of *aʿlamīyat* (the idea that a *mujtahid* whose pronouncement set binding patterns must be the most learned one) contributed to the evolution of the concept of *marjaʿīyat* doctrinally. In practice, he also attempted to institute the authority of *mujtahid* as a locus of imitation by making it an obligation for the Shiʿi public to pay the *khums* to the leading *mujtahid*. On the other hand, Mīrzā Muḥammad Akhbārī not only credited himself with the extraordinary use of religious power (*taṣarruf*) but was one of the first figures to propose the notion of "pillar of time" (*quṭb al-waqt*) who should function as the gate (*bāb*) of the Imam of the Age for the sake of rectification of the community's daily affairs.⁷⁷ It is evident that Mīrzā Muḥammad Akhbārī, by combining mystical notions with Akhbari traditionalism, had been formulating his own doctrine of religious authority in which non Usuli avenues of acquiring knowledge such as occult sciences (*al-ʿulūm al-gharība*) and tradition-reports play a greater role.⁷⁸

⁷⁶Khwānsārī, *Rawḍāt al-Jannāt*, trans. Sā'idī Khurāsānī, v. 2, pp. 463-75.

⁷⁷Akhbārī, Mīrzā Muḥammad, *Tuḥaf al-Amin*, quoted in *Rawḍāt al-Jannāt* by Khwānsārī, v. 7, pp. 368-77.

⁷⁸It does not seem to be an accident that in his treatise, Mīrzā Muḥammad Akhbārī makes references to Ibn ʿArabī, ʿAlāʾ al-Dawla Simnānī and Ḥaydar Āmulī in order to prove the existence of the Twelfth Imam., Ibid.

The political involvement of Mīrzā Muḥammad Akhbārī which cost him his life highlights the last phase of activist Akhbarism. Thereafter, Akhbari traditionalism survived only within the patterns set by Shaykh Yūsuf Baḥrānī. However, the anti-*mujtahid* dimension of Akhbarism soon was renewed in another stream of Shi'ite thought, namely Shaykhism on which we will focus in the last chapter of this part of the present study.

Chapter Three

The Sufi-Usuli Conflicts

and Their Impact on the Consolidation of Juristic Authority

Although Sufism and Shi'ism share many characteristics, the conflicts between their representatives over true knowledge and religious authority constituted an important part of the history of the Shi'ite learned institutions especially in the post Safavid period. Unlike the Akhbari and Usuli controversy, the conflict between Usulism and Sufism encompassed much more than doctrinal arguments. Sufism provided one of the strongest bases for solidarity and fraternity in Muslim society and the spirit derived from Sufism became embodied in organic institutions¹ long before the consolidation of juristic hierarchical authority. The encounter between Usuli orthodoxy and the Sufis became a long and complicated confrontation in which the ulama, while implicitly impressed by the Sufi conception of hierarchical sainthood, denounced them as self-attributing exaggerators. However, in the later periods, the ulama tried to assume the same charisma on a rational basis. Here, we propose to examine those Sufi elements and encounters which affected the course of Shi'ite jurisprudence and contributed to the consolidation of juristic authority.

The efforts of Shi'ite traditionists to codify the doctrine of Imamate coincided with Sufi attempts to present a doctrine which was more than before grounded in Islamic orthodoxy. The enthusiastic currents of Abū Yazīd al-Bisṭāmī(d.261/874) and Ḥusayn b. Maṣṣūr al-Ḥallāj (d.309/922) gave way to a more sober Sufism which tried to qualify such experience in the person of *walī*, a saint with divine wisdom. There is ample evidence which indicates the juxtaposition of the two concepts,

¹I.e. *pīr-murīdī* relationship, *ṭarīqa* orders and *futuwwa* hierarchy. See below for full discussion.

i.e. *imām* and *walī*, in the mind of Muslims who sought a leader sanctioned with the divine inspirations.

Abū ʿAbdallāh Muḥammad b. ʿAlī al-Tirmidhī (lived in 3rd/9th century), one of the foremost Sufī thinkers to propose the notion of sainthood (*wilāya*) based his argument on the authority of truth derived from nearness to God. For Tirmidhī, the 'seal of the saints' (*khatm al-awliyā*) is a leading authority none of whose actions can be wrong² and this notion resembles the Shiʿite conception of imamate and its infallibility. There are several traditions recorded in *al-Kāfī* which not only reflect the effect of the mystical notion of *wilāya* but also attempt to identify this *wilāya* with the legitimate authority of Imam ʿAlī and his descendents.³

In a sense, the "typical connotation of Sufī *wilāya* i.e. 'insight into the hidden (*al-ʿilm bi'l-ghayb*, Tirmidhī...)' and control of souls (*taṣarruf*) " ⁴ borders on the Imam's status of *ḥujja* i.e. "the guarantor or authoritative exponent for religious knowledge and guidance in all spheres" which " operates in a double manner: he is the channel for God's dispensation to the faithful individual, and the usherer into divine intimacy of the faithful."⁵

Despite being nourished from common sources, in many respects, Shiʿism and Sufism clashed over the conception of true knowledge and the representation of the Imam's authority in the community during his absence. Conflict over the authority of

²Tirmidhī, *Khatm al-Awliyā*, pp. 139-41, 367; Idem, "Ḥaqīqat al-Ādamīya," *Revue de la Faculté des Lettres d'Alexandrie* 3 (1946), p. 77; M.F. al-Geyoushī, "Al-Tirmidhī's Theory of Saint and Sainthood," *Islamic Quarterly* 15 (1971), pp. 17-19. and Bernd Radtke, *al-Ḥakīm al-Tirmidhī: Ein islamischer Theosoph* (Freiburg: K.S.V., 1980).

³Kulaynī, *al-Uṣūl*, ed. Javād Muṣṭafavī, vol. 2, pp. 276-323.

⁴Hermann Landolt, "Walāya" *Encyclopaedia of Religion* (New York and London: MacMillan, 1987) v. 15, p. 321.

⁵Crow, "The Teaching....," p. 34.

1 true teaching of the Imams remained an unfading feature of the Shi'ī and Sufi currents although their reciprocal contacts have continued in several respects especially through the theosophic philosophy (*al-ḥikma 'l-Muta'aliya*). One of the earliest contacts which broke into a severe confrontation may be seen in the encounter of Abū Sahl Ismā'īl al-Nawbakhtī (d.311/923) and Ḥallāj. Nawbakhtī was the leading Imami theologian who, by espousing a combined Mu'tazilite and Usuli position, built the Shi'ite rational school of Baghdad. Although none of his books are extant, their titles and portions of the contents echo Nawbakhtī's Usuli position and have been quoted by others, particularly by his indirect student, Shaykh Mufīd.⁶ Nawbakhtī was considered the most prominent Imami jurist at the beginning of the fourth century A. H. when Ḥallāj rose to give a new socio-political dimension to Sufism. According to Shaykh Ṭūsī, Ḥallāj claimed to represent the hidden Imam as his deputy and gate (*bāb*).⁷

Louis Massignon suggested that:

Abū Sahl sensed the danger of allowing an independent 'mysticism' to develop in the court, a mysticism that was purely Sunnite, based on Sufi elements, such as that of Ḥallāj; it threatened to destroy the moral authority of the Shi'ite legend, upheld by Imamis.⁸

⁶Shaykh Mufīd studied under Nāshī' Aṣghar (d.365/975) who was Nawbakhtī's disciple. Nāshī', had studied *al-Tanbīh* written by Nawbakhtī. Nawbakhtī accordingly wrote a treatise on *al-Khuṣūs wa'l-'Umūm wa'l-Asmā' wa'l-Aḥkām*. This title suggests his Usuli approach. See 'Abbās Iqbāl Āshṭiyānī, *Khāndān-i Nawbakhtī* (Tehran: Ṭahūrī, 1978), pp. 104-123.

⁷Shaykh al-Ṭā'ifa Muḥammad b. Ḥasan al-Ṭūsī, *Kitāb al-Ghayba*, ed. Āqā Buzurq Tihrānī (Najaf: al-Ṣādiq, 1965), pp. 269-72; Iqbāl Āshṭiyānī, *Khāndān-i Nawbakhtī*, p. 111.

⁸Louis Massignon, *The Passion of al-Hallāj: Mystic and Martyr of Islam*, trans. Herbert Mason, 4 vols. (Princeton: Princeton University Press, 1982), vol. 1, p. 329.

However considering the strong juridical reaction of Mufīd and Ṣadūq⁹ and the way Ṭūsī quoted the incident against Ḥallāj,¹⁰ we find that the Shi'ite jurists were especially disturbed by Ḥallāj's alleged claim to the juridically sanctioned authority of the Imam as opposed to his independent mysticism or his Sunni tendency.

The incident of Ḥallāj turned into the Hallajian myth in the following century when the Islamic tradition of *futuwwa* began to reintroduce this incident in a populist sense.¹¹ The ethical code of *futuwwa* is a semi-religious phenomenon which by incorporating several Irano-Semitic traditions built an organic urban militia as well as a kind of craft guild association. From the third/ninth century, *futuwwa* played an important role in implementing both Shari'ā and Sufi principles in a popular sense. Nevertheless, *futuwwa* was on the point of clashing with the Shi'ite juridical position of the fourth/tenth century. Ibn Bābūya Ṣadūq recorded a tradition in which the Imam questioned the validity of *futuwwa* conduct. "Do you think *futuwwa* comes with wrongdoing and debauchery?" The answer not only defines *futuwwa* as generosity and enjoining the good but also criticizes certain groups evidently as *fityān* because of their slyness and wrongdoing.¹² It seems that *futuwwa* principles were regarded as a matter of customary law (*urf*) by later Imami jurists who unlike Ṣadūq did not devote a chapter to *futuwwa*.

⁹Muḥammad Bāqir Khwānsārī, *Rawḍat al-Jannāt* trans. by Sā'idī Khurāsānī v. 3., p. 449; also see Tihrānī, *al-Dharī'a*, v. 10, p. 185.

¹⁰Ṭūsī, *Kitāb al-Ghayba*, pp. 269-72.

¹¹Massignon, *The Passion of al-Hallāj*, v. 2, p. 95.

¹²Ibn Bābūya, *Ma'ānī al-Akḥbār*, p. 119, 257.

It is still difficult for modern scholarship¹³ to characterize the kind and degree of the interaction between the Sufi and *futuwwa* disciplines and how the master-disciple relationship developed into hierarchical principles to ensure the spirit of fellowship among them. However, it seems likely that there is a linkage between the *futuwwa* master-disciple principle and the *shaykh-murīd* relations of Sufism, both of which affected the *mujtahid-muqallid* conception of Shari'a jurisprudence. In fact, the rise of Sufi *ṭarīqa* orders in Khurasan¹⁴ occurred during roughly the same period when Ghazālī was reformulating the principle of *taqlīd* (following a religious leader without due inquiry). We know that Ghazālī was instrumental in setting the pattern of *ijtihād* especially for that of the Shi'ite doctors of Hilla.¹⁵

Ghazālī represents the law-minded stream of Sufism which flourished with Abū 'Abd al-Rahmān al-Sulamī (d.412/1021) and his pupil Abū'l-Qāsim al-Qushayrī (d. 465/1072) during the period after serious clashes between pious Sufis and orthodox jurists. Like Sulamī and Qushayrī, Ghazālī came to realize that Sufism was a natural development in Islam and that it could be employed to transport the juridical conception of Shari'a to a higher intellectual level. This stream of Sufi thought reached its peak

¹³See Marshall Hodgson, *The Venture of Islam: Conscience and History in a World Civilization*, 3 vols. (Chicago: Chicago University Press, 1974), v. 2, pp. 201-254; H. A. R. Gibb and H. Bowen, *Islamic Society and the West* (London: Oxford University Press, 1951), p. 283; Ann Lambton, "Islamic Society in Persia," an inaugural lecture delivered on 9 March 1954 School of Oriental Studies University of London, 1954, p. 5; Claude Cahen, "Ayyārī," *Encyclopædia Iranica* (London & N.Y., 1984+), v.III, F.2, pp. 159-61; C. Cahen, and F. Taeschner, "Futuwwa," *Encyclopædia of Islam*, New Edition (Leiden: E. J. Brill, 1964+), v. 2, pp. 961-969.

¹⁴Louis Massignon, "Ṭarīqa", *Encyclopædia of Islam*, (Leiden: E. J. Brill, 1934) v. 4, p. 667; Hodgson, *The Venture*, v. 2, p. 211; Spencer Trimingham, *The Sufi Orders of Islam* (London: Oxford University Press, 1971), p. 5; Richard Gramlich, *Die Schiitischen Derwischorden Persiens, Zweiter Teil: Glaube und Lehre* (Wiesbaden, 1976), pp. 141-143.

¹⁵See above, chapter 2.

with Abū Ḥafṣ ʿUmar al-Suhrawardī (d.632/1234) who not only successfully represented the conformity of legalist conception of Islam with Sufism but also promoted the master-disciple relationship. He incorporated the Sufi notions of *adab* (manner) into the morally sanctioned rituals (*ādāb*), which paralleled the religious ordinances (*aḥkām*).¹⁶

Spencer Trimingham considers the support of secular authorities, especially "the official favour of Nūr al-dīn, Saladin, and their lieutenants and successors" encouraging for the "development of parallel institutions of *madrasas*, and *Khānaqāhs*."¹⁷ Nevertheless, the execution of the prominent mystic, i.e., Shihāb al-Dīn Yaḥyā al-Suhrawardī in 587/1191 by the agents of such a favorable government marks the beginning of a new doctrinal phase which may be considered a threat to orthodoxy. Unlike Abū Ḥafṣ ʿUmar, Shihāb al-Dīn Yaḥyā was not satisfied with adapting the jurisprudential *aḥkām* to meet the demands of ethical *ādāb*. He not only philosophized the hitherto practical and generally heartfelt notions of Muslim mysticism but rather proposed a new structure for leadership in which a divinely assisted *imām* assumed the central role. Hermann Landolt discusses Suhrawardī's thought as expounded in his *Ḥikmat al-Ishrāq* in the following excerpt:

He there establishes an ideal hierarchy of 'Leadership' (*khilāfat Allāh, ri'āsa*) consisting of seven classes of 'sages' (*ḥakīm*) plus three types of 'students' (*ṭālib*)... Suhrawardī adds cryptically: 'By this leadership, I do not mean (political) domination. On the contrary: it may happen that the one who is *imām* through theosis (*al-imāmal-muta'allih*) is manifestly and openly in authority, and it may happen that he is hidden, in which case he is the one whom the 'generality' (*al-kāffa*, i.e., the Sufis) call the 'pole' (*al-qutb*). The leadership is his even if he is in extreme obscurity. But if public administration (*al-siyāsa*) is in his

¹⁶Abū Ḥafṣ ʿUmar b. Muḥammad al-Suhrawardī, *ʿĀwārif al-Maʿārif* (Beirut: Dār al-Kutub, 1966) and Idem, "Futuwwat Nāma," in *Rasā'il-i Javānmardān* ed. M. Šarrāf (Tehran: Institute Franco-Iranien, 1973), p. 90-166.

¹⁷Trimingham, *The Sufi Orders of Islam*, p. 32.

hand, then the time is luminous, and if the time is devoid of divine management (*tadbīr ilāhī*), then the power of darkness takes over.¹⁸

This passage typifies the philosophical approach of Suhrawardī's mysticism in which the status of *qutb* is elevated to *imām* and *Khalīfat Allāh* who rules with divine management. This position received further enhancement in the thought of Ibn ʿArabī (d. 632/1240) as he identified *Khalīfat Allāh* with the perfect man (*al-insān al-kāmil*). Essentially Ibn ʿArabī's conception of "perfect man" seems to have resulted from his doctrine of unity of being (*waḥdat al-wujūd*). Through this doctrine, Ibn ʿArabī in a sense identifies man with God's attributes on the basis of the famous tradition "God created man in His image" and the Image of God is the same as His Presence.¹⁹ Ibn ʿArabī's list of perfect men includes all prophets from Adam to Muḥammad who can be followed by their spiritual heirs.

Congruent with his mystical approach, Ibn ʿArabī discusses the person of ʿAlī b. Abī Ṭālib in a way which seems to attempt a compromise between both Sunni and Shiʿi views. Ibn ʿArabī introduced ʿAlī b. Abī Ṭālib as a pole of Islam and the closest to the Prophet Muḥammad in contrast to his Shiʿite follower Ḥaydar Āmulī who considered ʿAlī as the pole of universe.²⁰

The notion of the perfect man and Mahdī are distinctively incorporated in the later socio-religious developments. While the ideal of perfect man remained in its doctrinal sphere, the concept of Mahdī, as we will see in this chapter, was used in a number of millenarian movements of Mongol and Post Mongol periods. One of the earliest Sufis of this period, ʿAzīz Nasafī (died in the last decade of the 7th/13th

¹⁸Landolt, "Suhrawardī's Tales...", p. 482.

¹⁹Ibn ʿArabī, *Fuṣūṣ al-Ḥikam*, ed. Abu al-ʿAlā ʿAfīfī (Beirut: Dar al-Kitāb, 1946), v. I, pp. 48-58.

²⁰Michel Chodkiewicz, *Le Sceau des saints: Prophétie et sainteté dans la doctrine d'Ibn ʿArabī* (Paris: Gallimard, 1986), pp. 173-4 and the Review of Chodkiewicz by Hermann Landolt in *Bulletin Critique des Annales Islamologiques* 4 (1987), pp. 83-85.

century), expounded the notion of perfect man as the pole of the universe around which angels, skies and stars gravitate.²¹ Another prominent Sufi was Sayyid Ḥaydar Āmulī who, as a student of the Shi'ite school of Ḥilla, tried to identify Sufism with the Shi'ite doctrine in his *Jāmi' al-Asrār*.²² Another innovative author was Ḥāfiẓ Rajab al-Bursī (died in the beginning of the 9th/15th century) who wrote several books concerning the place of the Imams in Shi'ite thought.²³

In fact, Āmulī and Bursī had been echoing the dominant current of the time when orientation towards 'Alawī trends became the prevalent characteristic of most Sufi *ṭarīqa* organizations, especially in Iran and Anatolia. Given this, Hodgson preferred to call this new Shi'ism 'ṭarīqa Shi'ism'.²⁴ It is reasonable to assume that the elimination of Ismā'īlī Shi'ism in these territories and the abrogation of the Sunni caliphate in Baghdad, both by the hand of Mongols, left a vacuum from which the moderate Twelver Shi'is benefitted. This Shi'i-oriented Sufism had another feature, i.e., to borrow Hodgson's word, "it looked for the *quṭb* (saint) to come down out of the skies and be installed as universal monarch on earth."²⁵ Here, we see that the role of Mahdī, i.e., the use of the Mahdistic tenet, coupled with the position of *quṭb* transformed a doctrine into movement. The Mahdistic tenet functioned as a way to adjust Sufi intellectual claims with messianic mass aspiration.

²¹Abd al-ʿAzīz b. Muḥammad Nasafī, *al-Insān al-Kāmil*, ed. M. Molé (Tehran: Institut Franco-Iranien, 1962), p. 251.

²²Ḥaydar Āmulī, *Jāmi' al-Asrār* ed. Henry Corbin and Osman Yaḥyā (Tehran: L'institut Franco Iranien, 1969), p. 40.

²³See Mudarris Khiyābānī, *Rayḥāna*, v. 2, p. 11.

²⁴Hodgson, *The Venture*, v.2., p. 494.

²⁵Ibid.

More than the Sufi claims of sainthood, their Mahdi requisition alarmed both the orthodox ulama and ruling establishments. The ulama seem to have been most agitated by the Sufi's abrasive claim to the absolute authority of the Imam Mahdi because in the eyes of the ulama the Sufis did not deserve this privilege. Amir Arjomand has evaluated the charismatic tenet of the Mahdī in comparison with juridical orthodoxy of the ulama as follows:

...the moving force in the social history of the Shi'ite religion ceased to be the unfolding of *ratio* - the world-embracing rationalization of the Shi'ite world view and ethos by the great theologians and jurists, and came to reside in the charisma of a number of individuals who claimed the supreme personal authority of the Mahdi. The decisive force in social change stemmed not from the Shi'ite doctors' attempt to improve the consistency of doctrine and to increase the impact of the religious creed on the world through the ethical disciplining of economic and political action, but rather from the harnessing of the ethically undisciplined millenarian yearning of the masses to religio-political action by a number of charismatic leaders who drew on the Shi'ite doctrine of the return of the Hidden Imam.²⁶

It is instructive to consider the reaction of the orthodox, especially that of the Shi'ite ulama to the mahdistic claims of a number of millenarian movements before the rise of the Safavids to power. The Sarbidārān movement (739-783/1338-81) instituted the first Shi'ite republic on the basis of an ill-conditioned alliance between Sufi dervishes and *futurwa* militia in 739/1338. There is no doubt that the Sufi spirit of brotherhood combined with local chivalric traditions was essential in forming such an alliance. However, it seems that without resorting to the mahdistic tenet, Sarbidārāns would not have been able to put the movement into motion.²⁷ The spiritual master of the movement was a charismatic Sufi, Shaykh Khalīfa, who was killed by command of

²⁶Arjomand, *The Shadow of God*, p. 66.

²⁷Ibid.

the *fatwā* issued by Sunni jurists of Sabzavār.²⁸ The second master and real founder of the dervish order was Shaykh Ḥasan Jūrī (d. 743/1353) who pioneered the movement by his charisma and was killed in a plot allegedly set by his ally, the *futuwwa* leader, Amīr Mas'ūd.

While in power, the dervish-pahlavān²⁹ alliance of Sarbidārs could not provide enough legitimacy even amongst its adherents to safeguard their accord. The letter which was written by the last Sarbidār ruler, 'Alī Mu'ayyid to the Shi'ite scholar of Jabal 'Āmil, al-Shahīd al-Awwal indicates the legitimacy problem with which the Shi'ite government was confronted. In this letter, the Sarbidār ruler declared that his state had an urgent need for spiritual support of al-Shahīd al-Awwal since Khurasan had lost most of its religious dignitaries.³⁰ Al-Shahīd al-Awwal, however, could not help the Shi'ite government more than by writing a small manual in which he summarized the important chapters of *fiqh*.

Concurrent with the Sarbidārān movement, Sayyid Qawām al-Dīn Mar'ashī (d.781/1379), a disciple of Shaykh Ḥasan Jūrī, founded a popular Shi'i Sufi order in Mazandaran, the influence of which the local Sunni government found difficult to suppress. The local governor of Mazandaran joined the order first, but fearing the domination of the order put Qawām al-Dīn on trial. Sunni jurists of Āmul sent Qawām al-Dīn to jail because of his innovation, *dhikr-i jalī* (open recital).³¹ This is

²⁸Abbās Iqbāl Āshīyānī, *Tārīkh-i Mughul* (Tehran: Amir Kabīr, 1962), p. 467.

²⁹*Pahlavān* is a Persian name for *futuwwa* oriented warrior-types. Three out of eleven Sarbidār ruler carried the title of *pahlavān*. See Ibid. pp. 465-77.

³⁰Abd al-Ḥusayn Amīnī Najafī, *Shuhadā' al-Faḍīla* (Najaf: al-Ghurā, 1936), pp. 90-91. On the authenticity of the text of this letter see Michel Mazzaoui, *The Origins of The Safawids*, Wiesbaden: (Franz Steiner Verlag GMBH, 1972), p. 67.

³¹Ya'qūb Āzhand, *Qiyām-i Shi'i -yi Sarbidārān* (Tehran: Nashr Gustara, 1984), p. 284.

the same pretext employed by the ulama of Sabzavār to condemn to death Shaykh Khalifa. This *dhikr* was said to raise hope for the immediate re-emergence of the Imam of the Age whose chialistic tenet could threaten the ruling power.³² The Marʿashī movement, however, succeeded in ruling part of Mazandaran between 760/1358 and 1005/1596.

Unlike the Sarbidārs and Marʿashī movements, the revolt of Mushaʿshaʿ exploited a number of religio-mystical notions including the full-fledged claim to mahdihood in order to establish his authority. Sayyid Muḥammad al-Mushaʿshaʿ (d. 866/1461), the founder of the movement was a student of Aḥmad b. Fahd al-Ḥillī (d. 841/1437). The latter denounced the former as an infidel as soon as his claim of mahdihood became apparent.³³ The Mushaʿshaʿ movement was based on exaggerated claims which hardly fit into the juridical framework of Shiʿite principles.

Another mystical thinker who studied under Aḥmad b. Fahd al-Ḥillī was Sayyid Muḥammad Nūrbakhsh (d. 869/1463). Nūrbakhsh drew his particular Sufi *ṭarīqa* from the Kubrawī order, but he claimed mahdihood in a mystical sense as well as in a juridical sense by proclaiming the right to the deputiship to the Imam of the Age. Because of his somewhat balanced interpretation of Sufism and Shariʿa, he was not considered to be an infidel by the standard Shiʿite juristic point of view.³⁴ Nevertheless, Nūrbakhsh clashed seriously with both secular and religious authorities hence he was ordered to confine his teaching to official discourses and not to apply other disciplines to the religious sciences.³⁵ Qāḍī Nūrullāh Shushtarī quoted

³²Ibid. p. 285.

³³Qāḍī Nūrullāh Shushtarī, *Majālis al-Muʾminin* (Tehran: Islāmiya, 1955), p. 396., also see Aḥmad Kasravī, *Mushaʿshaʿiyyān* (Tehran: Paymān, 1945), p. 10.

³⁴Khawānsārī, *Rawḍāt al-Jannāt*, trans into Persian by Sāʿidī Khurāsānī, v.6., p. 498.

³⁵Shushtarī, *Majālis al-Muʾminin*, p. 146.

Nürbakhsh's juridical views on *jihād*, temporary marriage (*mut'a*) and inheritance which appear to be orthodox except in the section on *jihād* where he stipulated that the *imām* must be a *walī*, a saint perfect in the seven stages of *wilāya* which correspond to the seven spheres of "heart" (*al-qalbīya*).³⁶

The Safavids changed the structure of the Sufi-*ulama* relationship by changing the character of their own movement at different stages. This movement was born in the milieu of extremism imbued with exaggerated Sufi-Shi'i devotion. The Sufi element of the Safavids developed mainly in the midst of the dervish environment of the Turkman tribes³⁷ which although linked to originally Khurasanian tradition of Sufi orders,³⁸ remained strongly attached to its tribal basis. Nor did the Shi'a conversion of Safavid Shaykhs involve any doctrinal significance. We cannot find evidence of any important contact with the Shi'ite *ulama* in the case of both Khwāja 'Alī (d.832/1428) who adopted a moderate Shi'ite character for the Khānaqāh, and Shaykh Junayd (d.864/1459) who drastically changed this into an extremist and quarrelsome Shi'ite movement.³⁹

³⁶Ibid. p. 147-48 also cited by Amir Arjomand p. 75. Professor Amir Arjomand attributes this passage to Aḥmad b. Fahd mistakenly from the confusing style of *Majālis al-Mu'minīn*. The *Risālat al-'Aqīda*, however, belongs to Sayyid Muḥammad Nürbakhsh. See Tihirānī, *al-Dharī'a*, v. 15, p. 306. See also D. S. Margoliouth, "Nürbakhshiya," in *Encyclopaedia of Islam*, III:961 f.

³⁷Iliia Pavlovich Petrushevski, *Islam dar Iran*, trans. by Karīm Kishāvarz (Tehran: 1971), p. 384.

³⁸Trimingham, *The Sufi Orders of Islam*, p. 100

³⁹E.g., see Ghiyāth al-Dīn Khwāndamīr, *Tārīkh-i Ḥabīb al-Siyar*, 4 vols. (Tehran: Khayyām, 1954), v.4. pp. 420-29 and Tavakkul b. Ismā'īl b. Bazzaz, *Ṣafawat al-Ṣafā* (Bombay, n.p. 1328 A.H.). See also Claude Cahen, "Le Problem Du Shi'isme Dans L'Asie Mineure Turque Préottomane" *Le Shi'isme Imamite* (Paris: Presses universitaires de France 1979), pp115-29.

The extremist tenet of Qizilbāsh Shi'ism is manifest in their tradition of *ghazā'* (holy war) which, again, cannot be justified according to contemporaneous juristic doctrine of *jihād* during the absence of the Imam. Michel Mazzaoui stresses the political ambitions of the Qizilbāsh, and gives a good description of the geographic position of Ardabīl in Azarbāyjān and its strategic importance for the fulfillment of the tradition of *ghazā'*.⁴⁰

The extremist character of the Safavid movement diminished when the movement began to institutionalize its domination. Here, the extremist components of the movement including Sufism came to be considered anti-establishment, while the orthodox Ithnā'asharī ulama joined the movement as stabilizing elements. This change actually started with Shāh Ismā'īl's change of policy towards the Takkalu tribes (917/1511) and continued to expand during the reign of Shāh Tahmāsb. As a result of this change, post Safavid Sufism entered a new phase in which three distinct mystical currents were at work: i) folk Sufism imbued with mahdistic claims, ii) *Ṭarīqa* Sufism with a Shi'ite orientation, and iii) the high Sufism of the theosophers who flourished in the Shi'ite school of Isfahan. Each of the above currents developed their own methods of acquiring authority which were challenged and checked by both the orthodox ulama and established powers. I will briefly review these conflicts during the Safavid and Qajar periods where they affect the course of the consolidation of the ulama's authority in the form of *marja'-i taqlīd*.

i) The mahdistic claims of folk Sufism were considered heretical by Ismā'īl (especially after the combat of Chāldarān) and Tahmāsb who brought Shaykh 'Alī Karakī from Jabal 'Āmil to Iran in order to standardize the legal and ritual aspects of Shi'ism. In 962/1554, Tahmāsb "put down the heresy of a group of Sufis who

⁴⁰Mazzaoui, *The Origins*, pp. 43-46.

proclaimed him the Mahdi."⁴¹ This happened when "later copies of Shāh Ismā'īl's *dīvān* omit verses where he proclaimed himself to be the Mahdi or his precursor."⁴² Shāh 'Abbās who never trusted the blind loyalty of the folk Sufis deprived them of their customary privileges as members of the imperial guard,⁴³ and even severely punished Sufis of Qarajadāgh who, despite their old adherence to the Safavid *Khānaqāh* cooperated with Ottomans during their temporary occupation of Tabriz in 1024/1615.⁴⁴ Because of its extremist and undisciplined nature, folk Sufism could not help becoming embroiled in the political upheavals which eventually required state interference to restore order. In an effort to counter the heresy of the Nuqtawī movement which peaked during the reign of 'Abbās I, the government acted more severely than the orthodox ulama.⁴⁵

ii) The organized *ṭarīqa* Sufism suffered less suppression because some of these orders escaped the state clashes. In the confrontation with the *ṭarīqa* orders, the government encountered a two-fold problem. The first was the original Sunni character of the orders and the second resulted from the popular practice of treating the *qutb* of the order as an exalted being and bestowing upon him the title of "Shah" during this period. The Naqshbandīya order was crushed by Shāh Ismā'īl not only because of their Sunni character but also because they traced the chain of documentation (*isnād*) of the order to Abū Bakr. The Khalwatīya had to move its center from Tabriz to Cairo and Istanbul after

⁴¹Jean Aubin, "La politique religieuse des Safavides," trans. by Arjomand, *The Shadow of God*, p. 110.

⁴²Ibid.

⁴³Naṣrullah Falsafi, *Zindagānī-yi Shāh 'Abbās-i Avval*, 4 vols. (Tehran: Dānishgāh, 1974), v. 1, p. 185-86.

⁴⁴Iskandar Bayk Turkamān, *Tārīkh-i 'Ālamārā-yi 'Abbāsī*, 2 vols. (Tehran: Amīr Kabīr, 1957), edited by Īraj Afshār, v. 2, p. 882.

⁴⁵Falsafi, *Zindagānī*, v. 3, p. 47.

Ismā'īl's conquest of Azarbayjan. The Nūrbakhshīya, originally a branch of the Kubrawīya, survived the Safavids' purge due to its Shi'i orientation but was later liquidated by Tahmāsb because its *quṭb* behaved "in the manner of exalted kings."⁴⁶ Nevertheless, the Nūrbakhshīya reappeared informally during the reign of ʿAbbās II and even the names of two eminent scholars Bahā' al-Dīn al-ʿĀmilī (d. 1030/1621) and Mullā Muḥsin Fayḍ Kāshānī (d. 1091/1680) are mentioned in the chain of their genealogy.⁴⁷ The Dhahabīya, another branch of the Kubrawīya survived the Safavid-Qajar period and still exists today. The Dhahabīya was able to attract a few juristic minded ulama, such as Muḥammad Taqī Majlisī.⁴⁸ The Niʿmatullahīya converted to Shi'ism after the advent of Ismā'īl and resisted several confrontations with both the government and the orthodox ulama⁴⁹.

Unlike folk Sufism which derived its power primarily from the rural areas, *ṭarīqa* Sufism was essentially an urban phenomenon and had its roots in sedentary craftsmen. The association of craftsmen with the Sufi organizations can be seen in a series of ethico-professional manuals (*futuwwat nāmas*) in which the connection of

⁴⁶Arjomand, *The Shadow of God*, p. 115, quoting Rūmlū's *Aḥsan al-Tawārīkh*, p. 279-80.

⁴⁷Andrew Newman, "Towards a Reconsideration of the 'Isfahan School of Philosophy': Shaykh Bahā'ī and the Safawid Ulama," *Studia Iranica*, 15 (1986), pp. 189, 195, 197. Dr. Newman suggests here that "Bahā'ī's activities in both religious and secular realm made him the target of virulent attacks, most of which originated within the context of the Akhbari attack on Uṣūlī doctrine." (p. 197). This assumption seems questionable since Akhbari-Uṣūlī polemics had not acquired a strong juridical tone before the spread of Astarābādī's thought throughout the book *al-Fawā'id al-Madanīya* which was written in about 1018/1609. This date is a few years after Shaykh Bahā'ī's resignation. Concerning the date of composition of *al-Fawā'id al-Madanīya* and its immediate impact on the juridical realm see Muḥammad Taqī Majlisī, *Lawāmi-i Ṣāhibqarānī*, p. 38.

⁴⁸Valī Qulī Shāmlū, *Qīṣaṣ al-Khāqānī* cited by Arjomand, *The Shadow of God*, p. 114.

⁴⁹Trimingham, *The Sufi Orders of Islam*, pp. 101-102.

khānaqāhs and workshops is reflected.⁵⁰ The suppression of *ṭarīqa* Sufism by the Safavids created a void in the *Khānaqāh*-artisan connection which was never really filled by the Sufis in the post-Safavid period.

Under renewed enthusiasm, during the Safavid period, the Shi'ite ulama produced a series of *risāla 'amaliya*, a summary of jurisprudential *fiqh* written often in Persian and in a practical manner. The first of the series was written by Shaykh Bahā'ī, a close associate of Shāh 'Abbās I. It is true that the Shah requested such a book since it was entitled *Jāmi-i 'Abbāsī*; but it also indicates the growing demand for a jurisprudential manual to answer the practical questions of law and ritual.⁵¹ Furthermore, Shāh 'Abbās who sponsored numerous artisans and craftsmen also echoed this demand in a semi-formal manner. From a juridical point of view, the composition of a *risāla 'amaliya* signals the beginning of an era during which the ulama expanded their ties with those economic forces which had previously been closely affiliated with Sufi orders.

iii) Both folk and *ṭarīqa* Sufism became also the target of doctrinal attacks by a relatively new intellectual force i.e. the theosophers.⁵² However, of more significance is the conflict between theosophers and the orthodox ulama. It is to this conflict we now turn our attention. In the first half of the eleventh/seventeenth century, the Shi'ite center of Isfahan espoused a mystico-philosophical approach which led to the

⁵⁰See Husayn Vāz Kāshifī Sabzavārī, *Futuvvat Nāma-yi Sulṭānī*, ed. M.J. Maḥjūb (Tehran: Bunyād Farhang Īrān, 1971), especially chapters 5&6 pp 205-344. Also Kaykāvūs b. Vushmgīr, *Qābūs Nāma*, ed. S. Nafīsī, (Tehran: Furūghī, 1963), pp 178-83. Murtazā Šarrāf, *Rasā'il-i Javānmardān*, (Tehran: L'Institut Franco-Iranien, 1973) particularly pp. 226-39. See also Sayyid Kāzīm Rūhānī, "Aṣnāf va Pishavarān dar Tārikh-i Īrān", *Kayhān-i Andīsha* 11 (1987), pp. 70-83.

⁵¹See Bahā' al-Dīn Āmilī, *Jāmi-i 'Abbāsī* (Tehran: Lithograph, 1298), p. 1.

⁵²E.g. Mullā Šadrā Shīrāzī, *Kasr Aṣnām al-Jāhiliya*, ed. M.T. Dānishpazhūh, (Tehran: Dānishgāh, 1962) especially pp. 2, 27.

discovery of a new synthesis for Shi'ite theology. This theology is based primarily upon gnostic cosmology in which human substantial evolution plays a central role. Although established by Muḥammad Bāqir Astarābādī known as Mīr Dāmād (d.1040/1631), the school of Isfahan flourished under the direction of his pupil Mullā Ṣadrā Shīrāzī (d.1050/1640) who brought the school to its maturity. Drawing upon the synthesizing efforts of Ibn Sīnā, Suhrawardī and Ibn ʿArabī, Mullā Ṣadrā put forward a new cosmology which was based on both rational thinking and visionary experience. Although challenged by the law-minded jurists, his school of theosophy (*al-ḥikma ʾl-mutaʿāliya*) still represents the Shi'ite approaches to God, universe and human beings⁵³.

In his commentary on the two sections of *al-Uṣūl min al-Kāfi*, Mullā Ṣadrā has given an interesting account in which the notions of *imamate*, *ilm* and perfect man are interpreted according to his own conception. In the chapter entitled "The Earth cannot be devoid of a Proof," Mullā Ṣadrā puts forth the following interpretation:

The earth cannot be devoid of a person upon whom the proof of God rests, either in the form of a prophet-messenger or imām legatee. That is the way in which the divine tradition has proceeded since Adam and Noah... until the time of our Prophet Muhammad with whom prophecy came to an end. I mean the prophecy of lawgiving; however, the *imamate* which is the substance (*bāṭin*) of prophecy will continue until the day of resurrection. Thus, in each time, there must be a *walī* who worships God by his personal experience and possesses the knowledge of the divine book as well as what the ulama and *mujtahids* have learned. He has absolute supervision and leadership in both religious and temporal affairs regardless of the fact that people follow him or rebel against him.⁵⁴

⁵³Seyyed Jalāl Āshuriyānī, *Sharḥ-i Ḥāl va Ārā-i Falsafī-yi Mullā Ṣadrā*, (Tehran: Nihzat Zanān Musalmān, 1981), p.1. See also Fazlur Rahman, *The Philosophy of Mullā Ṣadrā* (Albany: State University of New York, 1975), p.7. Also, J.W. Morris, *The Wisdom of the Throne*, p.1.

⁵⁴Mullā Ṣadrā Shīrāzī, *Sharḥ Uṣūl al-Kāfi*, p. 25.

It is clear from the above account, that Mullā Ṣadrā places the *walī* in the same position as the Imam. By including *walī* amongst the proofs of God, Mullā Ṣadrā overlooks the orthodox juristic terminology which usually does not apply the title of *Hujjat Allah* to anyone but the Imams. Ṣadrā further explains the position of the *walī* as follows:

The tradition-report of Kumayl b. Ziyād indicates that: i) the true learned (*‘ālim*) and enlightened knower (*‘ārīf*) is one who has *wilāya* in both religious and temporal spheres, and major leadership, ii) the chain of divine gnosis and absolute *wilāya* never ends, iii) the wellbeing of earthly world and the continuation of the species depends on the existence of a divinely enlightened knower.⁵⁵

The concept of knowledge, *ilm*, on which Mullā Ṣadrā based the authority of his saint, appears to be of great significance. He calls it *al-‘irfān bi Allāh* (cognition of God) and defines it as follows:

By *‘ālim*, they mean the divinely learned, (*al-‘ālim al-rabbānī*), who acquires his knowledge from Allah intuitively. It would not be true knowledge if it is restricted to tradition-reports or hearing from the masses since they are exposed to possible eradication when personal experience and heartfelt doubt occur. But the one whose knowledge derives from complete enlightened demonstration and is inspired fully by God, never loses his learning.⁵⁶

The way in which Mullā Ṣadrā approaches the notions of *‘ilm* and *‘ālim* leaves no doubt that he does not allow the ulama and *mujtahids* to enjoy the same authority to which the theosophers are entitled. *‘Ilm*, according to the orthodox juridical point of view, is knowledge of the divine ordinances (*‘ilm bi aḥkām Allāh*) which must be acquired exclusively through the study of Qur’ān and traditions according to their rational interpretations; while Mullā Ṣadrā declares that the tradition-

⁵⁵Ibid. انتهى الحديث وفيه دلالة على أن أول أن العالم الحقيقي والعارف الرباني له الولاية على الدين والدنيا وله الرئاسة الكبرى، وأن أن سلسلة العرفان باقية والولاية المطلقة لا ينقطع أبداً وأن أن عمارة العالم المذوق وبقائه الأخلاق فيه بوجود العالم الرباني.

⁵⁶Ibid., p. 26.

reporting (*naql*) yields doubt and should not be equated with the cognitive experience (*ʿirfān*). Aware of his different conception of *ʿilm*, Ṣadrā, in his treatise *Si Aṣl* tries to support his view by quoting al-Shahīd al-Thānī's division of *ʿilm* into *ʿilm bi Allāh* and *ʿilm bi amr Allāh*, which are acknowledged separately.⁵⁷

In his main work *al-Asfār al-Arbaʿa*, Mullā Ṣadrā mentions neither *mujtahid* nor *faqīh*. Only *al-ʿurafāʾ al-kāmilīn* (perfect knowers) are capable of understanding his ontological system.⁵⁸ Nevertheless, with a compromising tone, Ṣadrā mentions *mujtahids* whose legal opinion should be followed besides *imāms* and saints in *al-Shawāhid al-Rubūbiya*.⁵⁹ There is another reference to similar status of *imāms* and *mujtahids* in the end of his *ʿArshīya*.⁶⁰ but the words seem to be used in a much broader sense than their technical meaning. Finally, it is the notion of the perfect man (*al-insān al-kāmil*) which Ṣadrā emphasizes, introducing him as God's caliph, bearer of the divine secrets.⁶¹ This is the final stage of man's intellectual evolution as he enters the Divine realm. Here, the perfect man secures for himself the status of *imāma* and rulership of the earthly universe (*sulṭān al-ʿālam al-arḍī*).⁶²

If the ulama are placed in a relatively median position in Ṣadrā's intellectual approach because they possess the power of *ijtihād*, folk Sufis and traditionists are downgraded as infidels. Mullā Ṣadrā does not mention the Akhbaris, but attacks

⁵⁷Shīrāzī, *Risāla-yi Si Aṣl*, ed. S. H. Nasr (Tehran: Dānishgāh, 1961), p. 120.

⁵⁸Shīrāzī, *al-Hikma l-Mutaʿaliya fi l-Asfār al-ʿAqliya l-Arbaʿa* 4 vols (Tehran: Dār al-Maʿārif al-Islāmiya, 1958), v. 1:3, p. 312.

⁵⁹Shīrāzī, *al-Shawāhid al-Rubūbiya*, ed. S. J. Āshtiyānī (Mashhad: Dānishgāh, 1967), p. 377.

⁶⁰Shīrāzī, *al-Hikma l-ʿArshīya*, ed & trans by G. Āhanī, (Isfahan: Shahriyār, 1962), p. 285.

⁶¹Shīrāzī, *al-Asfār*, v. 4:1, p. 140.

⁶²Shīrāzī, *Sharḥ Uṣūl al-Kāfi*, p. 25, and Idem, *al-ʿArshīya*, p. 285.

Zāhirīs, *Hashwīs*⁶³ and *ḥadīth* reporters⁶⁴ as well as popular Sufīs.⁶⁵ It is clear from the above discussion that Ṣadrā differentiated between high traditionists, such as Kulaynī and intellectual Sufīs, such as Ibn ʿArabī, on one hand, and the folk Sufīs and the lay tradition-orators, on the other hand. Dr. Morris' assumption that "the Akhbari position offered a much more open arena for a universalist philosophic apprehension of the meaning of scripture"⁶⁶ can only fit Ṣadrā's thought within the frame of a certain interpretation.

Unlike Mullā Ṣadrā, who was not actually concerned with the Akhbari-Usuli problem, Mullā Muḥsin Fayḍ Kāshānī, a pronounced Akhbari, applied elements of Ṣadrā's thought in his ethico-juridical works. For Fayḍ, the perfect man is either a prophet (*nabī*) or saint (*walī*) both of whom have the titles God's Caliph, pole of the universe (*quṭb al-aqtāb*), and are the intermediaries between God and man (*wāsiṭ al-fayḍ*).⁶⁷ In his *Kalimāt Maknūna*, Fayḍ applies the above titles to the Prophet and the Imams generally. The qualified ulama may represent such positions only in the form of general vicegerency of the Imam. However, in his *al-Wāfi*, Fayḍ introduces the ulama as perfect men and intermediaries between heaven and earth (*wasā'iṭ bayn ahl al-samā' wa ahl al-arḍ*).⁶⁸ Indeed, in the next chapter, he excludes *mujtahids* as

⁶³Shirāzī, *Si Aṣl*, p. 67.

⁶⁴Ibid., p. 87.

⁶⁵Ibid., p. 17 and Idem, *Kasr Aṣnām al-Jāhiliya*, pp.21-33.

⁶⁶James Winston Morris, *The Wisdom of the Throne* (Princeton: Princeton University Press, 1981), p. 47.

⁶⁷Mullā Muḥsin Fayḍ Kāshānī, *Kalimāt-i Maknūna* (Tehran: Farāhānī, 1963) pp. 186-192, 217-222.

⁶⁸Mullā Muḥsin Fayḍ Kāshānī, *al-Wāfi*, p. 41.

adherents of innovative and speculative methods of interpretation of the legal and ritual norms (*fiqh*).⁶⁹

In contrast with Ṣadrā's growing sense of self importance and majesty, Fayḍ addressed his relatively moderate reflection to a common religious milieu in simple language. In the same manner, Muḥammad Taqī Majlisī expressed his conception of Sufism which appears to be juridical rather than gnostic⁷⁰. This association of the Akhbari-inclined theologians with Sufism alarmed the Usuli ulama who were not completely satisfied with the anti-Sufi policy of Ismā'īl and Tahmāsb. In fact, the rise of Shi'ite mystical thought coincided with the decline of the influence of the official ulama during the reign of Shah 'Abbās' successors: Shah Ṣafī and Shah 'Abbās II. The latter appointed an adherent of gnostic Sufism i.e. Sulṭān al-'Ulamā' (d. 1064/1654) as his grand vizier. The orthodox ulama reacted against this current by denouncing the theologians as Greek infidels and the folk Sufis as unbelievers. Numerous refutations written during this period⁷¹ indicate the degree of the ulama's resentment of this mode of Sufism.

It seems that the possibility of accord between high and popular Sufis was of great concern to the orthodox ulama. Mullā Muḥammad Ṭāhir Shīrāzī (d.1098/1686) in his challenge to Majlisī the Elder refuted Sufis as follows:

I saw a number of Shi'is and friends of 'Alī b. Abī Ṭālib who, being ignorant of and alien to genuine ulama, were misled by some religious oriented ghouls. They think that vociferation, jumps and love games with men mean worship and servitude to God.⁷²

⁶⁹Ibid., p. 56. (*Bāb al-Bad' wa'l-Ra'y wa'l-Maqā'is*) .

⁷⁰See, Muḥammad Taqī Majlisī, *Lawāmi'ī-ī Ṣāhibqarānī*.

⁷¹See Tīhrānī, *al-Dharī'a*, v. 10, pp. 204-209.

⁷²Ibid., p. 207.

A similar reaction can be seen in the treatise *al-Radd ‘alā’l-Sūfiya* by al-Ḥurr al-‘Āmilī (d.1102/1690), Shaykh al-Islām of Mashhad since he devoted many chapters to a refutation of Sufi dance and their way of rejoicing.⁷³ It appears that the ulama felt their control over the religious sermons to be threatened by both Sufi rituals and *futuwwa* traditions. The increase of juridical sermons, especially by the ulama of the next generation, such as Majlisī the Younger, indicates the renewed concern of the ulama regarding rituals.

Although the orthodox ulama had never failed to protest the rise of Sufi-oriented figures such as Sulṭān al-‘Ulamā’, their decisive attack on Sufism started with the reign of Shāh Sulaymān (1666-94) who favored the Usuli rational ulama rather than the gnostic-oriented Sufis. At this juncture, the important role played by Majlisī the Younger appears to have determined the fate of the conflicting trends. In the introduction of his *Biḥār al-Anwār*, Majlisī admitted that he had spent several years investigating various approaches before he found the Qur’ān and traditions to be the only legitimate sources of knowledge.⁷⁴

Majlisī’s writings, especially his *Biḥār al-Anwār* and *Mir’āt al-‘Uqūl*, suggest that he was essentially a traditionist whose main concern was the collection and evaluation of *ḥadīth*. In fact, he sanctioned much of the popular religion such as the visitation of the shrines (*ziyāra*) through his newly collected traditions. Although a proponent of Usuli rationalism and *mujtahids*, Muḥammad Bāqir Majlisī does not appear to be an Usuli minded jurist in the technical sense. Even in the purely jurisprudential part of his *Biḥār al-Anwār*, he rarely applied practical principles (*al-uṣūl al-‘amaliya*) which were the rational means set to harmonize conflicting tradition-

⁷³Ibid., p. 209.

⁷⁴M.B.Majlisī, *Biḥār al-Anwār*, v.1.,pp.2-5.

reports in order to find rational solutions to juridical problems. A comparison between the *fiqh* part of *Bihār al-Anwār* and ‘Allāma’s *Tadhkira* leaves no doubt that Majlisī the Younger represented a different kind of Usuli oriented Shi‘ism in which rituals and sermons played a greater role than Usuli techniques.

Majlisī’s attitude towards Sufism seems to be based on his growing hatred of Sufis. In *Zād al-Ma‘ād*, he praised Sufi clamouring (*khurūsh*)⁷⁵ while in *‘Ayn al-Ḥayāt* he accused them of heresy,⁷⁶ and in *Jawāhir al-‘Uqūl*, he legitimized the killing of Sufis as a rewardable act (*ḥasana*).⁷⁷ Nevertheless, Majlisī reproduced some of Ghazālī’s ideas although he rarely mentioned the latter’s name.⁷⁸

Majlisī the Younger was not only considered to be the one who caused a break in the course of Sufism (especially popular Sufism) in Iran, but he is also responsible for the institutional consolidation of the juridical hierarchy. Majlisī, who was appointed the Shaykh al-Islām of Isfahan in 1098/1687, has proposed the idea of chief *mujtahid* (*ra’īs*) in his work *Jawāhir al-‘Uqūl*.⁷⁹ The office of *Mullā bāshī* which appeared in 1124/1712, according to Amir Arjomand, "seems to have been the logical title for the position that Majlisī had in fact created for himself as the Shaykh al-Islām of Isfahan."⁸⁰ As depicted in Majlisī’s *Jawāhir al-‘Uqūl*, the conflict with the Sufis

⁷⁵Muḥammad Bāqir Majlisī, *Zād al-Ma‘ād* (Tehran: Lithoprint, 1306/1888), p. 2.

⁷⁶Muḥammad Bāqir Majlisī, *‘Ayn al-Ḥayāt* (Tehran: Shirkat Kitāb, 1952), pp. 269-74, 644-51.

⁷⁷Muḥammad Bāqir Majlisī, *Jawāhir al-‘Uqūl* (Tehran: Lithograph, 1385), p. 9. This is a fabulous work in which Majlisī, employing "the Cat and Mouse" pattern of ‘Ubayd Zākānī, pronounced his juridical views.

⁷⁸Compare M.B. Majlisī, *Bihār al-Anwār*, v.69, pp.266-71, and v.70, pp.25-36 with Ghazālī, *Iḥyā’ ‘Ulūm al-Dīn*, 14 vols in 6 (Cairo: Nashr al-Thaqāfiya l-Islāmiya, 1956), v.6, pp.185-204, and v.10, pp.116-123.

⁷⁹*Ibid.*, p. 69.

⁸⁰Arjomand, *The Shadow*, p. 155.

revolved around questions of true knowledge (*‘ilm*), of who was a true exponent of this knowledge and who should represent the Imam's authority in the community.⁸¹ For this reason, it seems that the persecution of Sufis, which came under clerical jurisdiction by the efforts of Majlisī, served as a point of departure for the institutionalization of juristic authority.

Sufism survived in both doctrine and practice through the turbulent decades of the late Safavids despite state oppression which was now coupled with the ulama's direct persecution. However, Sufism lost much of its institutional formation and its affinity to the *futuwwa* and guilds' organization in Iran since the beginning of the combined official and clerical hostility toward Sufism.

On a doctrinal level, the line of theosophers was continued by Āqā Muḥammad Bīdābādī (d. 1197/1783), Mullā Mahdī Narāqī (d. 1209/1790), Mullā ‘Alī Nūrī (d. 1245/1829) and Mullā Hādī Sabzavārī (1296/1878) and others. Perhaps except for Sabzavārī, none of the above scholars surpassed the doctrinal achievements of the eleventh/seventeenth century theosophical school of Isfahan because most of them adopted a less philosophical and more juridical approach towards mysticism.

On a popular level, the Ni‘matullāhī order was revived in the thirteenth/nineteenth century by Ma‘ṣūm ‘Alī Shāh Dakanī (d. around 1915/1800), a wandering Sufi traveling between Iran and India. He challenged the authority of the ulama not by questioning their true knowledge (*‘ilm*) but with the argument that Islam is perfect and does not need the interpretation of the ulama.⁸² It is remarkable that some Sufis were accused of being infidels by Mullā ‘Alī Nūrī the great exponent of Ṣadrā's thought in

⁸¹Majlisī, *Jawāhir al-‘Uqūl*, p. 29, 30.

⁸²Algar, *Religion and State in Iran*, p. 37-38.

Isfahan.⁸³ This highlights the total separation of mystical philosophy with popular Sufism. Another significant feature of Niʿmatullahī Sufism in this period was their growing sense of majesty which often implied temporal power as may be seen in the case of Nūr ʿAlī Shah and Muḥammad Riḍā Mīrzā, the governor of Gilan.⁸⁴

Compared to the ulama's claim of representing the Imam's authority, the Sufi assertions often appeared to have political implications. Āqā Muḥammad ʿAlī (1217/1802), a son of Muḥammad Bāqir Bihbihānī, is reported to have established a semi-official body of executors (*mīr ghazab*) to carry out his orders⁸⁵. A number of Sufis such as Maʿṣūm ʿAlī Shāh and Muẓaffar ʿAlī Shāh (d. 1215/1800) are recorded among his victims.⁸⁶

The direct role played by some of the ulama in persecuting Sufis during the Qajar period marks the beginning of an era in which the gap between the pious ulama and some power-hungry jurists widened. There is ample evidence that some authoritative *mujtahids* employed an executive body to carry out their judgments. A late Qajar historian recorded that many *mullās* and *mujtahids* had a branch of ruffians and trouble-makers surrounding them serving as their executive arm.⁸⁷ It seems that this trend reached its peak with Ḥujjat al-Islām Muḥammad Bāqir Shafī (d. 1260/1844) who set a wider scope for clerical domination over the social life of the city of Isfahan. Ḥujjat al-Islām Shafī, the grand *mujtahid* of Isfahan, organized a militia group from among the *lūṭīs* (ruffians) who had taken sanctuary at his residence. The category of

⁸³Tunakābunī, *Qiṣaṣ*, p. 200. Also see Mudarris Khiyābānī, *Rayḥāna*, v. 6, p. 256.

⁸⁴Sāʿid Nafīsī, *Tārīkh-i Ijtimāʿī va Siyāsī-yi Īrān dar Dawra-yi Muʿāṣir*, 2 vols. (Tehran: Intishārāt Bunyād, 1965), v. 2, p. 40.

⁸⁵Tunakābunī, *Qiṣaṣ*, p. 119.

⁸⁶S. Nafīsī, *Tārīkh-i Ijtimāʿī*, v. 2, pp. 43-48.

⁸⁷Yahyā Dawlatābādī, *Ḥayāt-i Yahyā*, 4 vols. (Tehran: Ibn Sīnā, 1950-57), v. 1, pp. 50-56.

lūṭīs who worked in this capacity for Shafī is characterized by the same behavior as the bandits who had been called *ayyārān* in the pre-Qajar periods.⁸⁸ Although these *lūṭīs* do not appear to be connected with a guild organization as the *ayyarat* did, their ties with the grand *mujtahid* of Isfahan demonstrates the fact that the ulama took over the ground lost by the inter-related Sufi-*futuwwa* organizations. The nature of the *mujtahid* and *lūṭī* relationship seems to be similar to the Sufi *pīr-murīdī* association both of which were based upon strong financial bonds. From the juridical point of view, Shafī was not as much a theorizing *mujtahid* as he was a practicing judge. Shafī is in the same category in which we place Majlisī the Younger. According to Khwānsārī, a contemporary of Shafī, the latter's discourses lacked Usulī logical techniques and were primarily based on *fiqh* and tradition-reports.⁸⁹

The dominance of Ḥujjat al-Islām Shafī in the socio-religious life of Isfahan coincided with the flourishing of the teaching circle of Mullā 'Alī Nūrī (d. 1245/1829), the great exponent of Mullā Ṣadrā's thought and the one who set the precedence of teaching Ṣadrā's theosophy side by side with *fiqh*.⁹⁰ It is noteworthy that according to Tunakābunī, Mullā 'Alī Nūrī disqualified himself from leading the congregational prayer as an *imām* when Shaykh Ja'far Kāshif al-Ghiṭā' asked him to do so in the presence of himself and Shafī. "With your age and knowledge, you indeed are qualified" said the Shaykh. When the Mullā again declined his request, the Shaykh then asked the young Shafī to perform this duty. And he executed it, employing his

⁸⁸Willem M. Floor, "The Lūtis-A Social Phenomenon in Qajar Persia," *Die Welt des Islam* 13 (1971), pp. 103-20 and Idem, "The Political Role of the Lūtīs in Iran," in *Modern Islam: The Dialectics of Continuity and Change*, ed. M.E. Bonne (Albany: State University of New York Press, 1981), pp. 83-95.

⁸⁹Khwānsārī, *Rawḍāt al-Jannāt*, trans by M.B.Sā'idī Khurāsānī v.2., p. 294.

⁹⁰Sayyid Jalāl Āshtiyānī, *Sharḥ-i Ḥāl va Ārā-i Falsafī-yi Mullā Ṣadrā*, p. 179.

competence in the ritual part of *fiqh*.⁹¹ This story perhaps symbolizes the self-isolating style of some of the high intellectual mystics who, despite their doctrinal claims, yielded ground in practice.

The last ten years of Ḥujjat al-Islām Shafī coincided with the reign of the Sufi-inclined Muḥammad Shāh who had as his vizier a Niʿmatullāhī dervish named Ḥājī Mīrzā Āqāsī. The clash between the grand *mujtahid* and the dervish vizier was inevitable. Despite their full preparation, no side dared to proclaim war between the Shah and the *mujtahid*. Finally, when the Shah's army forcefully entered Isfahan, it was the *lūṭī* groups which took the blame and the *mujtahid's* status remained untouched.⁹² The influence of the Usuli orthodoxy was so strong that the interlude of the thirteen years reign of the Sufi-oriented Muḥammad Shāh did not affect the main trend towards Usuli supremacy in Shiʿite Iran.

It was, nevertheless, after the physical defeat of the grand *mujtahid* of Isfahan that the centralized position of *marjaʿ-i taqlīd* emerged in Najaf outside Iranian territory. More significantly, it was under the above conditions that the Usuli orthodoxy developed its anti-intuitive characteristics which essentially denied any intellectual achievement other than its refinement of the concept of *ijtihād*. As we will see in the second part of this study, this *ijtihād* subsequently leaned towards more Usuli techniques which left little room for philosophical and intuitive approaches.

⁹¹Tunakābunī, *Qiṣaṣ*, p. 192.

⁹²Humā Nāṭiq, *Īrān dar Rāhyābī-yi Farhangī 1834-1848* (London: Payām, 1988), pp. 52-60.

Chapter Four

The Shaykhi-USuli Confrontation over The Legitimate Hierarchy of Religious Leadership

Shaykhism was the last Shi'ite movement within the sphere of Islam to propose a strong alternative to the Usuli clerical authority in the pre-Modern age. Shaykhi doctrine began with the devotional attachment to the role of the Imams in the community and soon developed a fixed and exclusive hierarchy of those bearing the knowledge of the Imams. This hierarchy allowed little room for the *mujtahids*. The challenge of Shaykhis contributed to the process which would soon produce the *marja'iyyat* institution, the centralizing agent for the whole clerical structure. In fact, the first categorical *marja'* of the Shi'ite world, Shaykh Muhammad Hasan Najafi (d.1266/1849), was active in the excommunication of Shaykhis and this is significative of the effectiveness of the Shaykhi-USuli confrontation in forming a structured hierarchy for the purpose of clerical dominance.

The Shaykhi school was founded by Shaykh Ahmad b. Zayn al-Din al-Aḥsā'i, who was born in the bedouin periphery of Arab nomadism in al-Aḥsā' (Bahrain) in 1166/1753. He studied under the Usuli ulama of Karbala from whom he attained the permission of *ijtihād* in 1209/1794. However, the main source of Aḥsā'i's knowledge, as claimed in his autobiography and *Sharḥ al-Fawā'id*, was his visionary experiences in which the Imams taught him the truth of religion.¹ The exclusive reliance on communication with the Imams, in the form of tradition-reports or visionary experiences, constituted one cornerstone of Shaykhi thought which has been called "*imānisme intégral*" or "*théosophie imānique*" by Henry Corbin, the eminent

¹Husayn 'Alī Maḥfūz, *Sīrat al-Shaykh Ahmad al-Aḥsā'i* (Baghdad: al-Ma'arif, 1957), pp. 14-24., Shaykh Ahmad b. Zayn al-Din al-Aḥsā'i, *Sharḥ al-Fawā'id*, (Tehran: Lithograph, 1274/1857), p. 4.

French scholar.² This view is upheld by most modern authors, who under the influence of the prevailing Kirmānī branch of Shaykhi thought, view Shaykhism as a demonstration of the continuance of the Shi'ite theosophical tradition.³

Aḥsā'ī tries to give a theosophical interpretation to the devotional attachment to the Imams. He praises the Imams as the pillars, resorts and protectors of the earth because they represent God's attributes and mediate between the people and God.⁴ He compares the Hidden Imam to the sun whose light may be covered behind the clouds but from which the people and the ulama can still benefit.⁵ For Aḥsā'ī, the category to which the ulama, in general, belong is completely different from that of the Imams. He considers the ulama as mediators between the people and the governors (*wasā'if bayn al-ra'īya wa'l-rā'īn*). On the whole, they are not required to be infallible. These ulama, according to Aḥsā'ī, are not concerned with the real meaning of God's ordinances, rather their understanding is confined to speculation about the tradition-reports.⁶

In contrast to the theosophic tradition of Mullā Ṣadrā,⁷ Aḥsā'ī seems to be against the idea that it is possible for man to have personal experience of God. In his celebrated work, *Sharḥ al-Ziyāra 'l-Jāmi'a 'l-Kabīra*, Aḥsā'ī attacks Mullā Muḥsin Fayḍ who, as Aḥsā'ī understood his view, equated mankind with God by declaring in

²Henry Corbin, *L'Ecole Shaykhie en Théologie Shi'ite*, with Persian translation by Fraydūn Bahmanyār (Tehran: Imprimerie Tābān, 1967), p. 5.

³E.g. Mangol Bayat, *Mysticism and Dissent*..., p. 55.

⁴Shaykh Aḥmad b. Zayn al-Dīn al-Aḥsā'ī, *Jawāmi' al-Kalim* (Tabriz: Lithograph, 1273/1856), p. 37. See also Idem. *Sharḥ al-Ziyāra 'l-Jāmi'a*, 4 vols. (Kirman: Sa'ādat, 1976), v. 1, pp. 22-27.

⁵Ibid., p. 38.

⁶Ibid., p. 37.

⁷Mullā Ṣadrā Shīrāzī, *Sharḥ al-Uṣūl al-Kāfi*..., p. 25.

his *Wāfī* that they are all God's emanations.⁸ A similar attack is made against Ibn ʿArabī who, according to Aḥsāʾī, spoke of God as identical to his creatures.⁹ Aḥsāʾī refers to people and their relationship to God in terms of man's servile status vis-a-vis God as follows: "No muslim can change his relationship since he is nobody but a slave servant (*al-ʿabd al-riqq*) who possesses nothing but the Divine command."¹⁰ Here Aḥsāʾī appears to be reacting to the school of *waḥdat al-wujūd* (unity of being), especially that of Mullā Ṣadrā who exalted human beings by declaring them capable of entering the divine realm.¹¹

Aḥsāʾī seems to have benefitted from traditional criticism of the philosophy of *waḥdat al-wujūd*. One of the most analytic critics of this approach envisioned by Ibn ʿArabī was Alāʾ al-Dawla Simnānī (d. 736/1336) whose doctrine and possible influence on Aḥsāʾī has been explored by Hermann Landolt. Landolt draws a parallel between Simnānī's criticism of Ibn ʿArabī and that of Aḥsāʾī against Mullā Ṣadrā. Simnānī, in a work entitled *al-ʿUrwa*, had exalted the Necessary Being over the divine attributes and Possible Being. According to Landolt, Aḥsāʾī was acquainted with Simnānī's thought by means of quotations made by Mullā Ṣadrā and Jāmī, if not directly.¹²

The exaltation of the Necessary Being over the Possible Being constitutes a principal doctrine of Aḥsāʾī's thought which involves the epistemological problem of the method of acquiring knowledge. Aḥsāʾī accused the regular ulama of making use of logical and Usuli principles such as *burhān* (demonstration) and *qiyās* (analogy) in

⁸Aḥsāʾī, *Sharḥ al-Ziyāra*, v.1, p. 70.

⁹Ibid., p. 71.

¹⁰Ibid., p. 70.

¹¹See above Part One, Chapter Three.

¹²Hermann Landolt, "Der Briefwechsel zwischen Kāsānī und Simnānī über Waḥdat al-Wujūd." *Der Islam* 50 (1973), pp. 62-63.

order to comprehend God, but God is beyond their reasoning.¹³ What is comprehended by Possible Being is nothing but Possible Being because "one cannot comprehend things beyond his own genre."¹⁴ Aḥsā'ī did not explain how his own logical reasoning differed from that of the ulama.

It seems that Aḥsā'ī, by emphasizing the role and position of the Imams, tried to bridge the gap between God and mankind. It was partially due to this aim that Aḥsā'ī called the Imams "gates" as Rafati explains:

The Imams are like the gates between God and creature, or as the keys to His creature. They are the scene (*maḥall*) of manifestation of His divine will and power, and the embodiment of His attributes among mankind.¹⁵

For Aḥsā'ī, the acquisition of religious knowledge is only by means of access to the Imams. In the commentary on those who are entitled to command (*ūlu'l-amr*) found in *Sharḥ al-Ziyāra 'l-Jāmi'a*, Aḥsā'ī raises the question of what constitutes the command. The reply of the Imam had revealed that it was "what angels descend there in the Night of Destiny. This includes the occult lore and miracles which only God and His saints and ambassadors deserve to know."¹⁶ Aḥsā'ī does not elaborate on the structure of the relations between the Imams and persons who bear their secrets. Generally speaking, Aḥsā'ī's hierarchical scheme includes the universe and spiritual

¹³Shaykh Aḥmad b. Zayn al-Dīn al-Aḥsā'ī, *Sharḥ al-Fawā'id* (Tehran: Lithoprint, 1274/1857), p. 5.

¹⁴Ibid., p. 26. See also Idem, *Thamānī 'Ashra Risāla* (Iran: Lithograph, 1298/1880), p. 174.

¹⁵Vahid Rafati, "The Development of Shaykhi Thought in Shī'ī Islam," Ph.D. (University of California, 1979), p. 94.

¹⁶Aḥsā'ī, *Sharḥ al-Ziyāra*., v.1, p. 262.

realms, and he barely mentions any personified position.¹⁷ In a number of his writings including *Sharḥ al-Ziyāra 'l-Jāmi'a* Aḥsā'ī claims to have heard things directly from the Imams, e.g. Imam Ṣādiq;¹⁸ but the hierarchical structure devised by him does not mention such a position. Aḥsā'ī's successor, Sayyid Kāzīm Rashtī (d. 1259/1843) considered his master's theological approach to be an attempt to purify Islam of philosophical and theosophical innovations.¹⁹ Rafati finds this to be Aḥsā'ī's primary purpose:

Shaykh Ahmad's primary purpose was to purify Islamic thought from the intellectual innovations of those Muslim scholars who neglected the Imams' teachings and rely upon their own understanding. Although a Shi'a himself, his attitude toward the purification of Islam was not limited to Shi'i innovation.²⁰

Despite his rejection of theological doctrines held by the school of Isfahan, Aḥsā'ī adopted certain elements of their eschatological thought. This is particularly evident in his commentary on Mullā Ṣadrā's *al-'Arshīya*. Here, Aḥsā'ī first appears to rectify Ṣadrā's thought according to the traditions of "the people of the house" (*ahl al-bayt*); but ultimately, he embraces most of Ṣadrā's eschatological elements. In the ontological part of *Sharḥ al-'Arshīya*, Aḥsā'ī denounces Ṣadrā's theology and accuses him of hypocrisy: speaking in the language of *ahl al-bayt* but what is really meant is in

¹⁷For a discussion of this scheme see Rafati, "The Development ...", pp. 111-113; Aḥsā'ī, *Sharḥ al-Ziyāra*, v. 1, pp. 22-27; Henry Corbin, *En Islam iranien: Aspects spirituels et philosophiques*, 4 vols. (Paris: Gallimard, 1971), v.1., pp. 189-198; Lawson, "The Qur'an Commentary...", p. 117.

¹⁸See Murtadā Mudarrisi Chārdihī, *Tārīkh-i Falāsafa-yi Islām*, (Tehran: 'Ilmī, 1957), p. 104. Also Aḥsā'ī, *Sharḥ al-Fawā'id*..., p. 4.

¹⁹Sayyid Kāzīm Rashtī, *Dalīl al-Mutaḥayyirīn*, Trans.by Zayn al-'Abidīn Ibrāhīmī (Kirmān: Sa'ādat, n.d.), p. 15.

²⁰Rafati, "The Development of Shaykhi Thought...", p. 69.

line with Fārābī, Ibn Sīnā and Ibn ʿArabī.²¹ Nevertheless, Aḥsāʾī applied Ṣadrā's notion of spiritual survival of the human soul with a new interpretation. Aḥsāʾī, basing himself on the tradition of Imam Ṣādiq recorded in *al-Kāfi*: "Only the substance (*ḡina*) of the human body remains *mustadīr* (circular) after death" says:

In reality, this human body does not belong to this material world; rather it belongs to the *hawraqalyā* (subtle world) i.e. the world which encompasses hell and paradise of this world. The spirit would retire to this world either because of their faith or hypocrisy. That is called *barzakh*, [the interval between death and resurrection]. That is the substance which remains circular (*mustadīr*) in its grave, and is called the second body.²²

At any rate, it seems that Aḥsāʾī's impression of Ṣadrā's thought was mixed and double-sided. Unlike his theological straight-forwardness, Aḥsāʾī's reproduction of the eschatological notions appear complex. Their striking feature seems to be its spiritual process as Todd Lawson describes it:

Shaykh Aḥmad's contribution here is in the form of a sufficiently detailed and appealingly possible alternative; even the most hard-bitten sceptic could never completely deny the possibility of the totally spiritual process which Shaykh Aḥmad propounded.²³

Aḥsāʾī, who had established his popularity through his piety, knowledge and personal devotion to the Imams, was finally caught by the Usuli ulama because of his unorthodox ideas on the rejection of the physical resurrection. The argument broke out between Mullā Muḥammad Taqī Baraghānī (d. 1264/1847), a typical Usuli jurist of Qazvin, and Aḥsāʾī over the similarity of the latter's view with that of Mullā Ṣadrā on the problem of physical resurrection. Relying on his popularity and the royal patronage

²¹Aḥsāʾī, *Sharḥ al-ʿArshīya* (Tabriz: Lithograph; Kārkhāna-yi Mīrzā ʿAlī Khushnavī, 1278/1861), p. 118.

²²Ibid., p. 220. For etymological information on *hawraqalyā* see ʿAlī Akbar Dihkhudā, *Lughat Nāma*, 28 vols. (Tehran: Majlis, 1946), v. 27, p. 334.

²³Todd Lawson, "The Qur'an Commentary of Sayyid ʿAlī Muḥammad the Bāb." Ph.D. (Montreal: McGill, 1987.), p. 34.

which he enjoyed, Aḥsā'ī did not dissemble his views enough in order to adapt to the prevailing religious mood. Unsatisfied with Aḥsā'ī's reply and attitude, Baraghānī declared him an infidel in 1240/1824.

The clash would not have affected the course of Shaykhi doctrine and practice if it had been a solitary incident. The attack of Baraghānī seems to be the beginning of the inevitable Usuli reaction to the new theological trend which was struggling for authority. After the incident in Qazvin, the people of each city through which Aḥsā'ī had passed, took sides either in support or against him.²⁴ Even some of the prominent ulama of Isfahan and 'Atabāt, with whom Aḥsā'ī had developed a good relationship voiced their objections to his decisions.²⁵

In addition to the problem of physical resurrection, another focal point was Aḥsā'ī's theory on the means of acquiring knowledge and evaluating the tradition-reports. Moreover, he absolved himself of the need to document *ḥadīth* claiming that he could validate the content of a tradition if its meaning was in accordance with the totality of the Imam's teachings.²⁶ Aḥsā'ī, indeed, was not the first Shi'ite jurist to claim such direct access to the true traditions. Shaykh Ṣadūq, too, had dispensed himself with all that was transmitted by others. Instead, he said he intended to cite what he considered to be "formal legal opinion" and what he judged correct and believed was *ḥujja*.²⁷ Tunakābunī and Sayyid Ḥasan Taqizāda related a story about the clash between Aḥsā'ī and Shaykh Muḥammad Ḥasan Najafī (the first categorical *marja'*

²⁴Mudarrisi Chārdihī, *Shaykhīgarī va Bābīgarī* (Tehran: Furūghī, 1966), p. 24.

²⁵See Sayyid Kāzīm Rashtī, *Dalīl al-Mutaḥayyirīn*, pp. 48-61; see also Chārdihī, *Shaykhīgarī* ..., p. 30 and Tunakābunī, *Qiṣaṣ* ..., pp. 44, 56.

²⁶Bayat, *Mysticism and Dissent*..., p. 55, citing Abū'l-Qāsim b. Zayn al-'Abidīn Ibrāhīmī, *Fihrist* (Kirman: Sa'adat, n.d.), pp. 242-252. See also Tunakābunī, *Qiṣaṣ*..., p. 54.

²⁷See Newman, "The Development...", p. 153.

of Shi'is) on the question of authenticating the *ḥadīth*. According to this, Najafī who, in his youth, had attained permission for exercising *ijtihād* from Aḥsā'ī, forged a *ḥadīth* and trapped Aḥsā'ī into authenticating a fabricated tradition.²⁸ This story can be held to symbolize the rational reaction of the Usulis against any new intuitive interference in the juridical sphere.

Another incident which demonstrates the process of consolidating the authority of the orthodox ulama, especially against Shaykhi insurgence is Aḥsā'ī's encounter with Muḥammad Ja'far Astarābādī, a *mujtahid* of Karbalā. According to the account written by Astarābādī's son in *Mazāhir al-Āthār*, Astarābādī was performing the pilgrimage to Mecca when Aḥsā'ī was repudiated by the chief 'Atabāt *mujtahid*, Sayyid Muḥammad b. Sayyid 'Alī Ṭabāṭabā'ī (d. 1242/1826) in Karbalā. Upon Astarābādī's return, Ṭabāṭabā'ī sent him Aḥsā'ī's book to study and judge. After examining the books, Astarābādī replied that these writings were ambiguous and open to controversy. However, he complied, in general, with the *fatwā* already issued by Ṭabāṭabā'ī on the basis of Imam Ṣādiq's tradition known as Maqbūla Ibn Ḥanzala. This famous tradition orders Shi'is to take up their cases with the tradition-reporters (the ulama) during the absence of the Imam. The contemporary Usuli ulama considered this tradition to be the most convincing proof for the doctrine of vicegerency (*niyāba*) of the Imam. "For giving my own *fatwā* " Astarābādī said, "I have to speak with Aḥsā'ī personally." He happened to meet Aḥsā'ī in a public bath soon after. Aḥsā'ī thanked him for not having denounced him upon his arrival. Nevertheless, Aḥsā'ī's explanation of his writings did not satisfy Astarābādī, who explicitly denounced Aḥsā'ī as a heretic.²⁹

²⁸Tunakābunī, *Qiṣaṣ...*, p. 54, and Chārdihī, *Shaykhigari...*, p. 39.

²⁹Mudarrisi Chārdihī, *Simā-yi Buzurgān* (Tehran: Amīr Kabīr, 1956), p. 30.

The above incident not only exhibits the growing sense of solidarity among the ulama but the development of a new formula i.e. *mutābaʿat* or the compliance with the *fatwā* of a *mujtahid* by other *mujtahids* in the specific cases where his commandment should overrule the opinion of others. The elaboration of this formula during this period is reflected in the letters communicated between Mullā ʿAlī Nūrī and Mīrzā-yi Qummī (d. 1243/1827)³⁰ on which we will have occasion to focus in the second part of this study. In 1241/1825, Aḥsāʾī decided to leave the now hostile Shiʿite world. He left for Medina where he died at the age of 75.

Sayyid Kāzīm Rashtī (d. 1259/1843), the faithful disciple and closest companion of Aḥsāʾī emerged as his successor in Karbalā. Sayyid Kāzīm, born in 1212/1798 in Rasht in the province of Gīlān, north of Iran, was the son of a silk merchant and had no *ijāza* from any known juristic figure other than Aḥsāʾī. As depicted in his *Dalīl al-Mutaḥayyirīn*, Rashtī had been encouraged by the orthodox ulama to discontinue the path of Aḥsāʾī and to join the orthodoxy.³¹ Rashtī's persistence in following the teachings of his master gave a new character to the Shaykhi controversy. Most sources tend to agree that refutation of Shaykhis (except in the case of Baraghānī who, from the very beginning, treated Shaykhis as infidels) did not amount to excommunication or their exclusion from the community during Aḥsāʾī's lifetime. They were considered just deviant Shiʿis. Rashtī's elaboration on Aḥsāʾī's interpretation of the traditions and his propaganda activities propelled the Shaykhi-USuli encounter into a more intense level of conflict.

Except in the hierarchical relation of the people with the sources of knowledge (the Imam respectively), Rashtī appears to have offered little original contribution to

³⁰Tunakābunī, *Qīṣaṣ...*, p. 161.

³¹Rashtī, *Dalīl al-Mutaḥayyirīn...*, pp. 87, 99-106.

Aḥsā'ī's thought. However, his elaboration and interpretation of Aḥsā'ī's fundamental principles i.e. the structural separation of the divine realm from that of the Prophet and Imams on the one hand, and the rest of the creatures including human beings, on the other hand, demonstrates his grasp of Aḥsā'ī's theology. In his *Uṣūl-i 'Aqā'id*, Rashtī summarized Shaykhi principles according to what he learned from Aḥsā'ī. Rashtī reconfirmed that it is impossible for human beings to have knowledge of God because each belonged to different realms of existence: necessary and possible respectively.³²

Rashtī calls the Prophet *'aql-i avval* or *'aql-i Muḥammadi*³³ declaring that a full list of *'uqūl* with explanation had been given in his *Great Book (Kitāb al-Kabīr)*. It is possible, according to Rashtī, to reach the stage of prophecy after the completion of four journeys.³⁴ At this point, Rashtī, departing from Aḥsā'ī's position, shows the extent to which Mullā Ṣadrā's thought made an impression on him.³⁵ The fact that Rashtī employed the term *wāsiṭ al-fayḍ* for the Imams displays the influence of Mullā Muḥsin Fayḍ's *Kalimāt Maknūna* despite Aḥsā'ī's contempt of Fayḍ.

However, Rashtī shifted the emphasis of Shaykhi thought from theology to a structured hierarchy within which people are ranked according to their true knowledge and piety. Rashtī, in a letter addressed to Muḥammad Karīm Khān Kirmānī, described his conception of the hierarchical structure of authority. Rashtī first acknowledged the fact that people now do not content themselves with words (*lafz*); they want someone personified and connected with the Great Resort (*Ghawth-i A'zam*). Rashtī immediately added "may God sacrifice me for him and his fathers" apparently referring

³²Sayyid Kāẓim Rashtī, *Uṣūl-i Aqā'id* (Tehran: Lithograph, 1274/1857), p. 14.

³³Ibid., p. 50.

³⁴Ibid., p. 72.

³⁵Ibid., p. 113.

to the Twelfth Imam. Rashtī, basing himself on the Qur'ānic verse "We placed between them and the communities that we blessed other cases, and we secured the journey between them: travel therein days and nights in complete security." (34/18), states that there are two kinds of hierarchies: blessed stages (*al-qurā' l-mubāraka*) which belong to the very infallible Imams, and manifest stages (*al-qurā' l-zāhira*)³⁶ which belong to people and they include:

- 1-Partisans of the official religion (*aṣḥāb al-sharī'a*) whose concern is superficial argumentation.
- 2-Nobles (*nujabā'*) in the inferior sense are the lowest in rank, among the bearers of the Imam's secrets.
- 3-Chiefs (*nuqabā'*) in the inferior sense, are those who symbolize God's names and actions. (Rashtī adds: there are 28 names for God upon which human existence is based.)
- 4-Nobles in the superior sense, are those same chiefs (*nuqabā'*) universally (*Ḥamīn nuqabā' va dar maqām-i kulliyat*) i.e. upon the emergence of the great great name.
- 5-Special (*khaṣṣa*) superior nobles are those in whom the superior *dhikr* (*a'ālā al'ālā a'ālā*) has become manifest.
- 6-Pillars of the universe (*arkān*). The relationship of these pillars to the rest of the hierarchy is that of the spirit (*rūḥ*) to the body (*jism*).

Here, Rashtī addressing Kirmānī says, "this position is evident (*'iyān*) to you."

After completion of these stages, Rashtī adds, "The connection with the Great Resort (*ghawth-i a'zam*) will be possible."³⁷

Mangol Bayat cites the following on Rashtī's conception of "perfect *ijtihād*":

In an interesting essay written in an esoteric style, Rashtī emphatically asserted that a qualified *mujtahid*, capable of 'perfect *ijtihād*,' is one endowed with a special 'intellect,' a 'saintly power' that distinguishes him from ordinary beings. For he is the 'Imam's deputy,' 'God's

³⁶Aḥsā'ī had used this expression concerning the ulama. See his *Jawāmi' al-Kalim...*, p. 37.

³⁷Razavī Sharīf, Ni'matullah, *Tadhkirat al-Awliyā', fī Sharḥ Aḥwāl...al-Ḥājī Muḥammad Karīm Khān al-Kirmānī* (Bombay: Maṭba'a Nāṣirī, 1313), pp. 34-35. The root of some of the above mentioned ranks can be traced back to the tradition of the fourth Shi'ite Imam 'Alī b. Ḥusayn Zayn al-'Ābidīn, see Henry Corbin, *En Islam Iranien...*, v.1, p. 122 and Lawson, "The Qur'an Commentary...", p. 116.

representative on earth,' the 'successor' of the Prophets and the Imams. The source of his knowledge is, in reality, divine, and not based on *taqlid*. 'He is a learned man who asks no questions of anyone.' Mujtahids who do not possess such qualification, Rashti declared are 'corrupt imposters.'³⁸

Evidently, Rashti aimed at the root of the ulama's authority i.e. their way of adhering to true knowledge and faith. By introducing the divine as the source of the knowledge for his true *mujtahid*, Rashti not only seems to depart from Ahsa'i's position, but to adopt the notion of soul evolution via an individual endeavour called *perfect ijthād*.

There is a tendency among some modern scholars to consider Rashti as a supporter of "progressive revelation". According to A.L.M. Nicolas, Rashti "explicitly stated that the divine truth is preached first by prophets, then Imams, and finally by those who possess true knowledge."³⁹ Bayat noting the full impact of Sufi-Ismā'īlī influence upon Shaykhi thought concludes that:

Rashti's main argument here closely follows the Ismā'īlī idea that the revelation sent to Muhammad was to be progressively unveiled by the Imam of the time and that the Imam's authoritative teaching is as important as the Prophet's revelation, since it is equally dependent of divine intervention.⁴⁰

Another recent study of Shaykhism upholds that there is a messianic content in Rashti's teachings which was downplayed by his rivals. Rashti "openly publicized the eminence of the next *zuhūr*" (emergence).⁴¹

Rashti managed to attract a number of followers among the Arab population of Ābād as well as certain Qajar princes then living in Iraq. He developed a vast

³⁸Bayat, *Mysticism and Dissent* ..., p. 50.

³⁹Ibid., p. 52.

⁴⁰Ibid.

⁴¹Amanat, *Resurrection* ..., p. 60.

communication network with the Shaykhi sympathizers in Iran. By translating and elaborating Aḥsā'ī's works, he made Shaykhi ideas accessible to a wide range of the Shi'ite classes. Rashī's propaganda activities incurred the wrath of the orthodox ulama who once more felt threatened by an innovative current aimed at destroying the roots of their authority. He was summoned to a trial conducted by the leading jurist of 'Atabāt, Sayyid Mahdī b. Sayyid 'Alī Ṭabāṭabā'ī (d. 1260/1844). This Ṭabāṭabā'ī was the younger brother of Sayyid Muḥammad and a grandson of Muḥammad Bāqir Bihbihānī whose family played a crucial role in establishing the Usuli network in Iran. Most sources agree that he was a pious and prudent *mujtahid* who normally abstained from issuing a *fatwā*.⁴² But the expectation of the juridical milieu of 'Atabāt made him interfere and give a judgment as the spiritual leader of the Shi'ite community in Iraq. The trial, open to the public, took place in 1246/1830, in the presence of Mullā Ḥasan 'Alī Māzandarānī, known as Sharīf al-'Ulamā' and the above mentioned Astarābādī, two important juristic figures of Karbalā. According to the Shaykhi sources, the debate lasted three days⁴³ at the end of which Sayyid Kāzīm had to admit that some parts of Aḥsā'ī's *Sharḥ al-Ziyāra* were ambiguous, controversial and if not commented upon, appeared to be heretical.⁴⁴ Upon this confession, which was witnessed by Sharīf al-'Ulamā' and Astarābādī, Sayyid Mahdī Ṭabāṭabā'ī issued his celebrated *fatwā* denouncing Shaykhis as infidels.

The *fatwā* against Sayyid Kāzīm Rashī was well-received by other prominent figures of 'Atabāt such as Shaykh Muḥammad Ḥasan Najafī, Mullā Aqā Darbandī

⁴²Muḥsin al-Amin, *A'yān al-Shi'a*, 10 vols. (Beirut: Dār al-Ta'aruf, 1986), v. 10., p. 155.

⁴³Mullā Muḥammad Ḥamza Sharī'atmadār Kabīr Māzandarānī, *Asrār al-Shahāda...*, p. 93 quoted by Chārdihī, *Shaykhigari...*, p. 112.

⁴⁴Chārdihī, *Simā-yi Buzurgān...*, p. 54-56.

Shaykh Muḥammad Ḥusayn b. Muḥammad Raḥīm, the author of *Fuṣūl al-Gharawīya fī Uṣūl al-fiqhīya*.⁴⁵ They pronounced their support for the *fatwā* out of a sense of solidarity against the Shaykhi threat. Nevertheless, the Grand Mujtahid of Isfahan, Ḥujjat al-Islām Shafī did not react to show his sympathy although his position on Shaykhism was clear by his law-minded attitude and by the fact that he, according to Tunakābunī, had no respect for Aḥsā'ī.⁴⁶ The competition between 'Atabāt and Isfahan, as manifested in Shafī's lack of cooperation with Sayyid Maḥdī Ṭabāṭabā'ī's bid to bring the Jewish minority of Tehran in compliance with Islamic rules,⁴⁷ can be considered a cause for this silence. Presumably, another element was Shafī's prudent policy of not giving the Shaykhi problem too much importance by adding his *fatwā* to the list of condemners. The same policy can be seen in Shafī's attitude towards Sufis.⁴⁸

Rashtī's reaction to the excommunication of Shaykhī thought by the ulama is found in his *Dalīl al-Mutaḥayyirīn* which was written in 1258/1842, a year before Rashtī's death. In this treatise, Rashtī, using bifurcated language tries to introduce Shaykhism in full conformity with Twelver-Shi'ite thought and yet tries to reject the customary practice of the ulama. He introduces Aḥsā'ī as a denouncer of the theosophical innovations⁴⁹ while defending the priority of philosophical studies over

⁴⁵Bayat, *Mysticism and Dissent* ..., p. 41.

⁴⁶Tunakābunī, *Qīṣaṣ*..., p. 35.

⁴⁷Ibid., p. 124; Khwānsārī, *Rawḍāt al-Jannāt*, trans by Sā'idī Khurāsānī, v. 7, p. 449.

⁴⁸See Tunakābunī, *Qīṣaṣ*..., p. 151. Here, Tunakābunī related a story about the excommunication of a Sufi by Mullā 'Alī Nūrī who as an expert in gnostic theology found a Sufi guilty of disbelief in Islam, and sent him to the court of Ḥujjat al-Islām Shafī for punishment. Despite Nūrī's persistence, Shafī ignored the case. The role of Mullā 'Alī Nūrī in establishing a centralized position for the grand Mujtahid of Isfahan will be covered in the second part of this study.

⁴⁹Rashtī, *Dalīl al-Mutaḥayyirīn*..., p. 15.

fiqh.⁵⁰ Rashī occasionally praises the orthodox ulama as the referral (*marja'*) and trustful custodians (*ḥuffāz*) of the religion who should administer justice among the people.⁵¹ At the same time, Rashī denounces the ulama's method of thoughtless repetition of legal rules and neglecting basic theological principles.⁵² Rashī, however, does not appear to be successful in pleasing the contemporary ulama since a number of the orthodox jurists, according to Tunakābunī, found Rashī's treatise abusive.⁵³

Rashī's sudden death in 1259/1843 followed by the crisis of his succession resulted in the split of Shaykhi leadership. In 'Atabāt, Mullā Ḥasan Qarachadāghī (Gawhar), a pro-orthodoxy student of Rashī's, developed a moderate branch called Gawhariya. Two minor branches developed in Azarbayjan led by Mīrzā Shafī-Tabrizī and the second by Mullā Muḥammad Ḥujjat al-Islām Mamaqānī, respectively. Mīrzā Shafī, who studied under both Sayyid Kāzīm Rashī and Shaykh Muḥammad Ḥasan Najafī, advised his followers to seek a *mujtahid* for questions regarding their daily affairs.⁵⁴ In fact, by confining Shaykhism to its theological principles, Mīrzā Shafī demonstrated his leaning toward Shi'ite orthodoxy.

Sayyid 'Alī Muḥammad Shīrāzī called the Bab (1235/1819-1266/1850) became the locus of the messianic expectancy of the Shaykhi milieu which eventually shaped up as the Babi movement in Iran. An important theme of the Bab's concern in his first known work, *Tafsīr Sūrat al-Baqara*, as examined by Todd Lawson, appears to be *wilāya* or:

⁵⁰Ibid., pp. 88-91.

⁵¹Ibid., pp. 46-47 and 56.

⁵²Ibid., pp. 96-98.

⁵³Tunakābunī, *Qīṣaṣ...*, p. 56.

⁵⁴Ibid., p. 137.

Charismatic authority, carried by the "family of God" (ā'l-allāh), namely the Prophet, Fāṭima, and the twelve Imāms of Ithnā-ʿasharī Shiʿism. Not content with merely asserting the fact of this charisma, the Bab, following the precedent established by Shaykhi theology, explores the ontological and eschatological ramifications of the Imamate. This central preoccupation may be seen from one point of view, as a means of participating in this charisma through a literary activity.⁵⁵

This literary activity, however, went especially against the theory of jurisprudence (*uṣūl al-fiqh*) as we read in Bab's *Bayān*:

It is prohibited to compose what is worthless and futile such as *uṣūl (al-fiqh)*, logic, rules of *fiqh* and *ḥikma* and the science of obscure words and such like. As for what comes under grammar and syntax, it is only sufficient for learners to understand the subject and the object and other similar matters and beyond this God shall not forgive those who engage themselves in it.⁵⁶

In spite of the fact that the reaction of the Usuli ulama to such writings was predictable, Mullā ʿAlī Baṣṭāmī, a new convert from the Shaykhi camp, presented the Bab's message to Shaykh Muḥammad Ḥasan Najafī and warned him of the emergence of the Proof. Najafī "denounced Mullā ʿAlī { Baṣṭāmī } as a heretic and expelled him from the assembly."⁵⁷

It is worth noting that Aḥsāʾī's thought, although it fits into the category of Akhbari traditionalism does not necessarily reject *ijtihād* or Usuli principles. Aḥsāʾī and Rashū have written several treatises on the principles of *fiqh* and the validity of *ijmāʿ* and *ʿaql*.⁵⁸ However, none of them restricted the method of acquiring

⁵⁵Lawson, "The Commentary..." p.xi.

⁵⁶Bayān IV/10130., cited by Amanat, *Resurrection*. p.143.

⁵⁷Ibid.p.218

⁵⁸ See Ibrāhīmī, *Fihrist*.... p. 226.

knowledge to *ijtihād* as Usulis did. Rather, as reflected in Rashī's hierarchy of knowledge, they considered *ijtihād* the very beginning of the search for the divine secrets. In his *Dalīl al-Mutaḥayyirīn*, Rashī stated that his commentary on *Tuṭunjīya* (a sermon attributed to Imām ʿAlī b. Abī Ṭālib) "contains divine secrets that only a pure-hearted and enlightened person could bear to understand."⁵⁹

The Shaykhi contribution to Shiʿi legal theory and jurisprudence seems to be minimal since, as already mentioned, the main concern of Shaykhism is the theological sphere of Shiʿite thought, i.e. cognizance of God, the Prophet and the Imams and their speakers. Because of their minimal interest in the legal aspects of Islam, Shaykhis, like theosophers of the school of Mullā Ṣadrā (the line developed by Mullā ʿAlī Nūrī), had to instruct their followers to seek out the regular jurists in order to settle their daily problems. This indicates that the role of positive law in the development of jurisprudential authority was ignored by the later Sufis and Shaykhis. The early Sufis, as we have already seen, had developed the ethical code of *futuwwa* which was in conformity with the Shariʿa.⁶⁰

The main branch of Shaykhi thought flourished in Kirman thanks to the work of Ḥajj Muḥammad Karīm Khān Kirmānī (d. 1288/1871) a Qajar prince who studied under Rashī for a period of fifteen months. Kirmānī, indeed, was not the first prince to study religious disciplines (Aqā Muḥammad Shāh and Fath ʿAlī Shāh also had learned some rudimentary elements of *fiqh*), but Kirmānī was the first member of the ruling dynasty to represent a particular stream of theology which led up to his religious leadership.

⁵⁹Rafati, "The Development," p. 133.

⁶⁰We will have occasion to elaborate the role of positive law in the development of Usuli juristic authority in the second part of this study.

Kirmānī's doctrine and practice are characterized as the socialization of dissent in Shi'ite thought by Mangol Bayat who contrasted him with Aḥsā'ī and Rashtī, the radicalizing agents of the traditional dissent among Shi'is.⁶¹ Bayat elaborates further on what she means by Kirmānī's socialization:

...to socialize the mystical idea of a hierarchical structure of 'more or less' perfect humans. In fact, the concept of the Perfect Man, or Perfect Shi'a, or Fourth Pillar, terms which Karīm Khān more often than not used interchangeably, plays a central role in this socio-religious system. All his discussions of God, the Prophet, the Imams, divine revelations and of cosmology, served one purpose: to define and identify the sole legitimate leader of the community of faithful.⁶²

Here, we see a complete shift of emphasis from God to the human being and his potential evolution. Kirmānī seems to have kept the theological framework of Aḥsā'ī's thought, but it is evident that his problem was not the distance between God and Imams and their servants (*'ibād*). Rather, the issue at hand appears to be the progress and stagnation of *'aql* (intellect)⁶³ as well as the categories of nobles, chiefs and the fourth pillar who, like the Imams, must be acknowledged by Shi'is.⁶⁴ All of these categories are connected to the progress of *'aql* and its counterpart *'ilm*. Like Rashtī, Kirmānī divided his structural hierarchy according to their levels of knowledge. At the bottom, he placed the category of *nujabā'* (nobles) who fulfill the duty of leading people to the right path through preaching. However, their authority derives from the superior category of *nuqabā'* (chiefs) who are the bearers of the Imams' knowledge. Each of

⁶¹Bayat, *Mysticism and Dissent* ..., pp. 37-87.

⁶²Ibid., p. 72. Unlike Bayat, Henry Corbin insisted that the Shaykhī hierarchy of *arkān*, *nuqabā'* and *nujabā'* function only in the invisible realm (i.e. *'ālam al-mithāl*). See Lawson, "The Qur'an Commentary...", p.158.

⁶³Muḥammad Karīm Khān Kirmānī, *Irshād al-'Awāmm*, 4 vols. 4th ed. (Kirman: Sa'adat, n.d.) v. 3, p. 379.

⁶⁴Ibid., v. 4, p. 359.

the above categories is divided into two subgroups as we saw in Rashī's sketch of the religious hierarchy. At the top, Kirmānī placed the fourth pillar (*rukn-i rābi'*) who also represents the whole hierarchy in general.⁶⁵ The fourth pillar, according to Kirmānī, bears the Imam's secrets.

Kirmānī, unlike Rashī, did not allow any room for the *mujtahid* in his hierarchical sketch. He categorically disqualified the orthodox ulama for any holy task. This exemplifies the tense competitive religious mood of mid-thirteenth/nineteenth century where each current struggled to legitimize their doctrine to the total exclusion of other doctrines.

Congruent with the development of Kirmānī's doctrine, the newly founded institution of *marja'iyat* gained extra prestige thanks to the Usulī method of Shaykh Murtaḍa Anṣārī (d. 1281/1864). It is hardly an accident that Anṣārī, too, focused on the concept and levels of knowledge in his major work *Farā'id al-Uṣūl*. He proposed three categories of knowledge acquired by *ijtihād*: certainty (*qaṭ'*), probability (*ẓann*), and doubt (*shakk*).⁶⁶ These categories sound modest in comparison with the claims of Shaykhis. Given this, the threat of the Shaykhis provided ground for the Usulī orthodoxy to reassert and to consolidate its authority in both practice and doctrine as they left no room for visionary or authoritative conceptions of Shaykhis. The consolidation of juristic authority, in this way, went hand in hand with the reassertion of the Usulī method approaching religious knowledge.

⁶⁵Ibid.

⁶⁶See Murtaḍā Anṣārī, *Farā'id al-Uṣūl*...

PART TWO

THE EMERGENCE OF THE INSTITUTION OF THE SUPREME
SOURCE FOR EMULATION (MARJA'-I TAQLĪD)

Marja'-i taqlīd is a comparatively late Shi'ite notion which owes its meaning - and much of its justification - not to the transcendental sources, but rather to the adherence of the members of the community to the authority of a jurisconsult who sets the patterns of their daily affairs. This shows the practical tenet which is inherent in the advent of this referential model who should theoretically be the most learned *mujtahid*.

The term *marja'* or *marji'*, meaning referral, did not bear any spiritual significance in the pre-Qajar periods. It did not appear in the sermons of *Ziyārāt al-jāmi'a* which contained most of the adjectives employed for the Shi'ite Imams.¹ Nor did it occur in the Shi'ite traditions relevant to this matter although its root (*r j '*) was used in the context of referring to the ulama in religious affairs. Muḥammad Amīn Astarābādī (d. 1036/1626) employed the term *marja' al-Shi'a* to refer to the collected traditions.² This indicates that the term *marja'* was not generally personified at this time. With the enhanced position of the Shi'ite ulama during the Safavid period, a number of ritual terms, such as *muqtadā* (leader of the prayer) and *milādh* (resort) became identified with the term *mujtahid*. Shaykh 'Alī Karakī (d. 940/1533) was addressed by contemporary Shi'ites as *muqtadā 'l-anām* (exemplar for the people)³ which conveys an idea reminiscent of *marja'*. A similar attitude can be found in the

¹See Shaykh 'Abbās Qummī, *Mafāṭīḥ al-Janān* (Tehran: Nashr Farhang Islam, 1985), pp. 997-1010.

²See above Part One, Chapter Two.

³'Alī Davānī, *Mafākhir-i Islām*, 4 vols. (Tehran: Amīr Kabīr, 1984), v. 4, p. 448; Said Amir Arjomand (ed.), *Authority and Political Culture in Shi'ism*, p. 253.

letters communicated between Fath 'Alī Shāh and Mīrzā Abū'l Qāsim Qummī (d.1231/1815). The Shah addressed Qummī as *marja'* and *muqtadā' l-anām*.⁴ The use of *marja'* as an adjective denoting the superior knowledge and authority of the ulama became widespread during the Qajar period.⁵ Nevertheless, *marja'* in its specific sense, i.e. referring to the highest rank of the Shi'ite hierarchy, appeared in the second half of the thirteenth/nineteenth century and it was often employed with modifiers, such as *tamma* or *maṭlaqa* to indicate the all-embracing or absolute authority of the *marja'*.⁶

The association of the notion of *marja'* with the highest clerical authority is due to the several doctrinal processes which provided the juridical and charismatic components of the Shi'ite hierarchy.⁷ The theoretical basis of this hierarchy includes the concepts of *a'lamīyat* (superiority of a *mujtahid* in learning), *niyābat* (vicegerency from the Imam) and *ijtihād*, all of which we treat in the first chapter of this part. These doctrinal processes, however, were supported by the financial strength of the ulama which in turn has its roots in the practical development of the legal norms of *khums* (alms), *zakāt* (tax), *waqf* (endowments) and *al-makāsib al-muḥarrama* (illegal transactions). The evolution of the above norms in addition to the bazaar and mosque connections which contributed to the independent source of the ulama's authority will be discussed in the next chapter.

⁴ See Amanat, "In Between" p. 105.

⁵E.g. See Mullā Aḥmad Narāqī's permission of *ijtihād* to Shaykh Murtadā Anṣārī quoted by Murtadā Anṣārī, *Zindagāni va Shakhshīyat-i Shaykh Anṣārī*, (Tehran: Intihād, 1960), p. 128.

⁶See below, Chapter Three.

⁷The term hierarchy, as defined by Amir Arjomand, is apparently borrowed from Weberian terminology to denote "the charisma of priestly functionology". See *The Shadow of God....* p. 138.

Although supported by doctrinal developments the institution of *marja'* does not seem to have resulted directly from theoretical considerations. Rather, it appeared through a series of specific instances of interaction between the ulama, on the one hand, and the expansion of their relations with the community, on the other hand. Therefore, in the third chapter, we will concern ourselves with the problems of single or collective presence of juristic leadership, the concurrence (*mutābi'at*) of other *mujtahids* with the *marja'-i tāmm*, and the qualifications of a *marja'* which distinguish him from others. After the advent of the *marja'īyat*, it will be necessary to focus on its place in the socio-religious life of the Shi'ite community. A comparison between the status of *marja'* and other Shi'ite learned or official institutions demonstrates the informal and independent character of *marāji'* who also played a significant role in balancing the monarchical absolutism in Iran. It remains the purpose of the last chapter to discuss the importance of informality in the relation between the *marja'īyat* and the state and how the independent character of *marja'īyat* helped the enhancement of the dual structure of authority (*Shar'ī* and *'urfī*) in Iran.

1

Chapter One

The Theoretical Basis of The Institution of *Marja'-i Taqlid*

The office of *marja'* like that of the *mujtahid* and other Shi'ite learned institutions gained its legitimacy through several inter-related doctrines which gradually evolved with the development of Shi'ite legal thought. These doctrines were expressed in juridical writings where theoretical changes were often implemented in the form of rewriting chapters of *fiqh*. Rearranging the chapters of *fiqh* with new components, as we have already seen,¹ was a tacit method of adopting changes which suited the quietist Shi'is. This is part of the reason for the absence of clear reformulations for the new institution in Shi'ite history while the roots of such changes are traceable in the juridical works. However, the informal appearance of the new institutions helped to disguise them from appearing to be innovations.

The most important doctrines which contributed to the establishment of the position of *marja'-i taqlid* are *a'lamīyat* (superiority in learning), *niyābat* (vicegerency from the Imam) and *ijtihād* (the process of arriving at a legal opinion). All of these doctrines are, in one way or another, concerned with the Shi'ite conception of *'ilm* (positive knowledge) the possessors of which should represent the authority of the Imam in the community. As we have seen, this is the major point of contention between the orthodox ulama and other representatives of speculative thought. The ulama, while denouncing their opponents, could not help proposing a similar formula according to their own Usuli rational approaches. These formulas, to which we will

¹See above, Part One, Chapter One.

now turn, evolved as established doctrines in the course of time when the institutionalization of the status of *marja'* occurred.

A. A'lamīyat

A'lamīyat literally means superiority in learning and it refers to the principle of the priority of a *mujtahid* who is the most skillful in applying the general rules of the Shari'a to the community's daily affairs.² Although very competitive in nature and in practice it was difficult to meet the qualifications, there is no unanimous definition for *a'lamīyat* nor is there a standard method of establishing the most superior in learning. The principle of priority (*al-a'lam fa'l-a'lam*) in time was reinforced by the additional formula of the fully qualified (*jāmi' al-sharā'it*) jurisconsult which implies the capability and righteousness of the *mujtahid*. However, superiority in learning remained the best criterion of selecting among those who claimed religious authority. Although both the nature of superiority and the scope of priority have varied from period to period, the practice of setting priority according to the degree of learning appears to be a natural development.

Whereas the question of *a'lamīyat* was treated within the discussion of the qualification of the qadi and the *mufī* (jurisconsult) in Shi'ite law, it basically involves the problem of imamate in Sunni Law. Sunni jurists set forth the problem of the superiority of the imām under the influence of the events concerning the succession of the Prophet in which 'Alī was considered *afḍal* (superior) to other Guided Caliphs. The subject was eventually extended to include the priority of ulama for qadiship and issuing *fatwās*. Shāfi'ī (d. 205/820) did not restrict the rightful imamate to the most excellent (*afḍal*) while Jāhiz (d. 250/864) supported the idea that the *imām* was the

²This definition is based on Ayatollah Jannānī's exhaustive examination of the various definitions made by the authoritative jurists, such as Shaykh Murtaḍā Anṣārī. It is noteworthy that Ayatollah Jannānī's criterion of "less mistakability" seems to indicate nothing but the practicality of *a'lamīyat*. See Jannānī, "*Sayr-i Tārīkhī...*," p. 23.

most excellent of the community.³ Māwardī (d. 450/1056), comparing the case of the imamate with that of qadiship ruled out the quality of superiority, claiming it to be an invalid exaggeration. He permitted the choice of a less excellent *imām*.⁴

Imām al-Ḥaramayn al-Juwaynī differentiated between imamate and qadiship stating that the *imām* must be the most excellent because of public welfare (*maṣlaḥa*), but giving *fatwās* did not have that qualification.⁵ Following his master Juwaynī, Ghazālī did not establish superiority in learning (*ʿilām*) as a prerequisite because it had not been practiced in this way during the time of the Prophet and the Guided Caliphs. It was better for the *imām* to be superior in knowledge, Ghazālī declared, but if the accord of imamate was concluded, even for a less excellent *imām*, it would be valid on the basis of consensus which generates a more appropriate *maṣlaḥa*.⁶

In Shiʿism, where the Imam must be a divinely designated individual (*manṣūṣ*), superiority in learning finds an esoteric dimension and becomes knowledge *par excellence*.⁷ In the teaching of Imam Jaʿfar al-Ṣādiq, the notion of *ʿilm* appears to be

³Ann Lambton, *State and Government in Medieval Islam* (London: Oxford University Press, 1981), p. 65.

⁴Abū'l Ḥasan ʿAlī b. Muḥammad b. Ḥabīb al-Māwardī, *al-Aḥkām al-Sulṭāniyya*, ed. M. Engerī (Bonn: Apud Adolphum Marcum, 1850), p. 9.

⁵Imām al-Ḥaramayn, Abū'l Maʿālī ʿAbd al-Malik b. Abī Muḥammad al-Juwaynī, *al-Burhān fī Uṣūl al-Fiqh*, 4 vols. ed. ʿAbd al-ʿAzīm al-Dīb (Cairo: Dar al-Anṣār, 1980), v.2, p. 1342. Elsewhere, Juwaynī has given his definition of the *imām*'s superiority which rested on capability rather than learning. In the case of the ulama, he preferred the most superior in learning. See his *Ghiyāth al-Umam* (Qatar: University of Qatar, 1980), p. 391.

⁶Ghazālī, *al-Mankhūl*.... p. 479.

⁷See Etan Kohlberg, "Imam and Community in the Pre-Ghayba Period" *Authority and Political Culture in Shiʿism*, ed. Said Amir Arjomand (Albany: State University of New York, 1988), pp. 25-54.

the underlying theme of all characteristics of the Imam.⁸ As for the ulama, the question of superiority in their learning made its marked appearance in the writings of Sayyid Murtaḍā who is virtually the first Imami jurist to suggest the obligation of seeking the legal opinion (*istiftā'*) of a jurisconsult who was superior in knowledge (*a'lam*).⁹ Murtaḍā's juridical opinion was, indeed, based on the Shi'ite traditions which allowed the priority of *a'lam*. For Shi'is a remarkable evidence is the letter addressed to Mālik Ashtar by the first Shi'ite Imam, 'Alī, who wrote: "Choose the most excellent from among your subjects for the position of qadiship."¹⁰

Of the Ḥillī scholars, Muḥaqqiq put forth the priority of *a'lam* in his chapter on *ijtihād* declaring that the one claiming *a'lam* must have no equal with respect to knowledge. If there are two candidates, equally learned and pious, the learned candidate has precedence since a *fatwā* is derived from learning, not from piety.¹¹ 'Allāma Ḥillī sustained Muḥaqqiq's view on the authority of the most learned *mujtahid*. However, in his *Nahj al-Mustarshidīn*, 'Allāma differed from Muḥaqqiq stating "if there are two equally learned and pious, the seeker for the legal opinion has a choice."¹²

The notion of following the most learned *mujtahid* during the absence of the Imam from the community was corroborated by the Safavid ulama. Shaykh 'Alī Karakī claimed a consensus (*ijmā'*) on the precedence of *a'lam*.¹³ Karakī, whose

⁸Crow, "The Teaching," p. 33.

⁹Murtaḍā, *al-Dharī'a* ..., v.2, p. 801.

¹⁰Sharīf al-Raḍī, Muḥammad b. al-Ḥusayn al-Mūsawī, *Nahj al-Balāgha*, 3vols in 1, ed. by al-Shaykh Muḥammad 'Abduh (Beirut: Mu'assasat al-A'lamī, n.d.p.94).

¹¹Muḥaqqiq Ḥillī, *Ma'ārij al-Uṣūl*, p. 139.

¹²John Cooper, "'Allāma al-Ḥillī on the Imamate and Ijtihād," in *Authority and Political Culture in Shi'ism*, p. 246.

¹³Muḥammad Baḥr al-'Ulūm, *al-Ijtihād Uṣūluhu wa Ahkāmuhu* (Beirut: Dār al-Aḍwā, 1977), p. 242.

authority as the superior *mujtahid* and the promoter of Shi'ism was officially supported by the second Safavid King Tahmāsb I, embodied in himself the high position of *marja'* with obligatory obedience.¹⁴ This position proved to be premature and subordinate to the political institution. Another jurist of the Safavid period, Shaykh Bahā'ī, decreed that it was "incumbent upon all members of the community to follow the best such *mujtahid (taqlīd al-afḍal)*",¹⁵ while his contemporary, Shaykh Ḥasan 'Āmilī, considered such adherence to be a matter of preference.¹⁶ 'Āmilī, whose *Ma'ālim al-Uṣūl* is still a textbook in the traditional Uṣūlī teaching centres, reiterated the priority of the most learned in the sense of being the most precise in reporting traditions.

The seeker of a legal opinion (*mustaftī*) has a choice in referring to any *mujtahid* whom he regards as having equal knowledge and just judgment. If someone is superior in learning he must be referred to for religious guidance. As far as we know, this opinion was held by our like-minded Imamīs. They based their opinions on the fact that reliance on the words of the most learned *mujtahid* is more authentic and closer to reality. At this point, again, some others are quoted as having favored the choice. However, we rely on our fellow Imamīs. When one is superior in learning and the other in piety, Muḥaqqiq said, the most learned (*a'lam*) has priority because the *fatwā* originates in knowledge, not from piety.¹⁷

It is remarkable that according to Amir Arjomand, a Persian Sunni notable, Mīr Makhdūm (d. 995/1587), in a polemical treatise *al-Nawāqid li Bunyān al-Rawāfiḍ* "restricts the vicegerency of the Imam" (an imām?) "to the single most learned *a'lam*

¹⁴Hossein Modarresi Tabataba'i, *Kharāj in Islamic Law* (London: n.p. 1983), p. 50.

¹⁵Newman, "Shaykh Bahā'ī", p. 180.

¹⁶Shaykh Ḥasan b. Zayn al-Dīn al-'Āmilī, *Ma'ālim al-Uṣūl*, ed. M. Muḥaqqiq (Tehran: Intishārāt 'Ilmī va Farhangī, 1985), p. 281.

¹⁷Ibid., p. 278.

of the *mujtahids*."¹⁸ This highlights the significance of the principle of *a'lamīyat* in defining the legitimate deputy of the Imam.

Of the Akhbarīs, Shaykh Yūsuf Baḥrānī put forth the priority of the learned jurist (*afqah*) in the sense that he would appear to be more just in reporting traditions. Baḥrānī, however, by equating the quality of being the most learned with other criteria in the evaluation of tradition-reports,¹⁹ leaves no doubt that the context of his notion of priority is confined to the Akhbari concept of reporting traditions.

In contrast with Baḥrānī, Shaykh Ja'far Kāshif al-Ghiṭā' extended the scope of *a'lamīyat* to embrace an essential element of the vicegerency of the Imam. In propounding the question of who should issue the *fatwā* in the case of necessary *jihād*, Shaykh Ja'far said:

It is obligatory to give preference to the best (*afḍal*), or to whom he has given permission and it is not permissible for anyone other than them to interfere in this matter.²⁰

In his *magnum opus*, *Kashf al-Ghiṭā'*, after enumerating the individuals who might qualify for the position of general vicegerent of the Imam, he says that Shaykh Ja'far, as a superior *mujtahid* who can claim to be the vicegerent of the Imams, gave

¹⁸ Amir Arjomand, *The Shadow of God...*, p. 142. This Mīr Makhdūm appears to be the same Mīr Makhdūm Sharīfī, a grandson of Mīr Sayyid Sharīf Jurjānī, who converted into Shi'ism in the later part of his life. 'Alī Davānī included him among the associates of Shaykh 'Alī Karakī. See Davānī, *Mafākhir-i Islām...*, v.4, p. 448. Furthermore, *'Ālamārā-yi 'Abbāsī* has an account about Mīrzā Makhdūm Sharīfī who was accused of having a Sunni inclination and became co-*saḥr* under Ismā'īl II. See Turkamān, *'Ālamārā-yi 'Abbāsī*, ed. Iraj Afshār, v.1, c 2, p. 152.

¹⁹E.g. The circularity of the reports, their accordance with Qur'ān and their opposition to Sunni views

²⁰Lambton, "A Nineteenth Century View of Jihād", *Studia Islamica* 32(1970), p. 188, translating from *Kashf al-Ghiṭā'* by Shaykh Ja'far Najafī.

permission to Faṭḥ ʿAlī Shāh to undertake the necessary actions in order to supply the war against the Russians.²¹

The principle of *aʿlamīyat* appears to have been most effective in paving the way for the assumption of spiritual leadership in the role of *marjaʿ* by Shaykh Muḥammad Ḥasan Najafī and Shaykh Murtaḍā Anṣārī. Neither of these two *mujtahids* enjoyed the strong family connections and royal patronage enjoyed by their immediate predecessors (of the Bibihānī and Tabātabāʾī families). Nor did they have far-reaching financial ties with merchant and artisan classes comparable to those of Shaykh Jaʿfar Najafī and Ḥujjat al-Islām Shafīʿī. Shaykh Muḥammad Ḥasan established his reputation through his unprecedented work *Jawāhir al-Kalām* and his teaching circle which was attended by more than sixty *mujtahids*.²² The writing of *Jawāhir al-Kalām* if not the greatest event for the Shiʿis in the thirteenth/nineteenth century, as Khwānsārī remarked,²³ it was the most comprehensive work ever written in Shiʿite *fiqh*.

Shaykh Muḥammad Ḥasan introduced Shaykh Murtaḍā Anṣārī as his successor. Here also, the principle of *aʿlamīyat* set a priority for Anṣārī whose distinctive characteristic, undoubtedly, was his learning and piety. It is interesting that Anṣārī did not assume the position of *marjaʿ iyyat* until he was sure that his former competitor, Saʿīd al-ʿUlamaʾ Māzandarānī was no longer superior to him.²⁴ Anṣārī's manner of assuming the responsibility of *marjaʿ iyyat* is reflected in the fact that he ruled in favor of the obligation to follow the legal opinion of the *aʿlam*.²⁵

²¹Shaykh Jaʿfar Najafī, *Kashf al-Ghiṭāʾ* (Tehran: Lithograph, 1317/1899), p. 394.

²²Khwānsārī, *Rawḍāt al-Jannāt*, 8 vols. (Qum: Ismāʿīlyān, 1980) v. 2, p. 305. Persian tr. of this book, v. 3, p. 83.

²³Khwānsārī, *Rawḍāt al-Jannāt* ..., Trans. Sāʿidī Khurāsānī, v. 3, p. 83.

²⁴Murtaḍā Anṣārī, *Zindagānī* ..., p. 74.

²⁵Shaykh Murtaḍā Anṣārī, *al-Makāsīb* ..., p. 153.

It is remarkable that with the exception of a few jurists such as Shaykh Ṭūsī, who was silent on the subject of *a'lamīyat*, a growing majority of the Shi'ite ulama tended to be in favor of the obligation to follow the most learned, while the growing tendency among Sunni jurists was to prefer such a practice only if it was practical for the common Muslim.²⁶ In this manner, the Shi'ite ulama substituted for the unrestricted choice of *muftī* (jurisconsult) the obligation of following a superior learned *mujtahid*. The principle of *a'lamīyat*, in fact, provided one of the most needed bases for the consolidation of juristic authority. However, the Shi'ite hierocracy benefited from other doctrinal supports to which we turn now.

B. The Vicegerency of the Imam

Shi'ite hierocracy would not seem complete on a theoretical level if it was not supported by the prestige which the ulama drew from their doctrine of vicegerency of the Imam. This doctrine fulfilled the charismatic requirement of the religious leadership which had remained unfulfilled since the suppression of the intuitive interpretation of Islam in Iran. Compared to other theoretical elements of the Shi'ite hierocracy, i.e. *ijtihād* and *a'lamīyat*, the doctrine and practice of vicegerency of the Imam (*niyābat*) appears to be the most effective factor of the ulama's public prestige during the Qajar period. It is partially due to its charismatic fascination that most of the conflicting currents such as Sufism, Shaykism and Babism based their claims upon the esoteric representation of the Imam's authority.²⁷

The foundation of the doctrine of vicegerency (*niyāba*) is dependent upon the investiture of qualified jurists with the authority of the Twelfth Imam during his absence from the community. However, this doctrine was closely linked to the

²⁶Jannāṭī, "*Sayr-i Tārikhī...*," p. 20.

²⁷See above part One, Chapters Three and Four.

principle of *wilāya*, and both *niyāba* and *wilāya* were divided into general and specific categories each of which had different applications. By revising the historical evolution of these doctrines, we will try to illustrate their scope by treating them chronologically.

The notion of representing the Imam's authority was developed by the Usuli ulama in the context of applying *ʿilm al-uṣūl* which in practice placed them in a position which facilitated the execution of the Imam's duties in the community's daily affairs. The idea of performing the Imam's duties first appeared in Shaykh Mufīd's *al-Muqniʿa*. Regarding the problems of *khums* collection, qadiship and administration of justice (*ijrāʾ al-ḥudūd*), Mufīd cautiously ruled that the ulama can interfere if this would not jeopardize their lives.²⁸ The term used for the role of the ulama, here, is *tafwīd al-naẓar* (supervision) and its scope could be limited to the ulama's own family and those under their guardianship.²⁹ The parameter established by Mufīd was followed by Murtaḍā who himself was an administrator of justice under the Abbasids. Murtaḍā allowed further intervention of learned jurists in the context of enjoining good and forbidding evil (*al-amr bi'l-maʿrūf wa'l-nahy ʿan al-munkar*).³⁰

Shaykh Tūsī, however, made this juridical intervention recommendable (*mustaḥabb*) and extended it to include the administration of justice, enjoining good and forbidding evil, distribution of *khums* and charitable donations among people

²⁸Shaykh Mufīd, *al-Muqniʿa*..., pp. 46, 129.

²⁹*Ibid.*

³⁰Shaykh al-Ṭāʾifa Muḥammad b. Ḥasan al-Tūsī, *al-Iqtisād al-Hādī ilā Ṭarīq al-Rashād*, (Qum:1980), p. 150; Abdulaziz Sachedina, *The Just Ruler (al-Sultān al-ʿĀdil) in Shiʿite Islam* (New York and Oxford: Oxford University Press, 1988), p. 145; Newman, "The Development" v.1, p. 233.

who deserved to receive them and leading the congregational prayer.³¹ It is noteworthy that, in three chapters (i.e., *jihād*, administration of justice and working for the government), Ṭūsī treated the problem of performing the task with which the Imam is invested. It was within the treatment of administration of justice and working for the government that Ṭūsī gave a clear indication of the role of the ulama in the presence of a wrongdoing government (*al-sulṭān al-jā'ir*). In the chapter on *jihād*, Ṭūsī reserved any intervention until after the re-appearance of the Imam, but in the chapter of administration of justice, he entrusted the learned jurist with the right to interfere and to recite sermons in the congregational prayer.³² In his later work, *al-Mabsūṭ*, Ṭūsī did not repeat the above notions as discussed in *al-Nihāya*. It is clear that the overall tone of the language used by Mufīd, Murtaḍā and Ṭūsī indicates that they had a more immediate sense of the presence of the Imam and described him as the ruling Imam whose power has not yet been extended (*mabsūṭ al-yad*). Compared to later jurists who were distanced from the Imam,³³ the approach of the above mentioned authors appears to be a tentative treatment of the problem.

Two centuries later, the scholars from Ḥilla, Muḥaqqiq and 'Allāma, postulated juridical authority in cases of qadiship, *jihād*, *khums*, *zakāt*, *iftā'* (giving legal opinions) and congregational prayer as special cases of juristic mandate (*wilāya*). The terms used for this mandate are *man lahu'l-wilāya* or *man ilayhi'l-ḥukm* (the one who is invested with authority). The term of *niyāba* which is a channel for authority (*wilāya*) does not appear here. Evidently, the scholars from Ḥillā considered the role

³¹Shaykh al-Ṭā'ifa Muḥammad b. al-Ḥasan al-Ṭūsī, *al-Nihāya fī Mujaṛrad al-Fiqh wa'l Fatawā*, ed. and trans. M.T. Dānishpazhūh (Tehran: Dānishgāh, 1963), pp. 304-358.

³² Ibid. pp. 292, 340; Newman, "The Development ...," p. 243-61; Sachedina, *The Just Ruler...*, p. 145.

³³E.g. Narāqī, *Awā'id...*, pp. 188-90.

of the learned jurist within the context of authority (*wilāya*) rather than vicegerency (*niyāba*).³⁴ During the following century, the Shi'ite scholars of Jabal 'Āmil molded juristic authority concerning the same specific cases (e.g. qadiship, *jihād*, *khums*, etc.) within the context of general vicegerency (*al-niyāba l-'āmma*) of the Imam.³⁵ By general vicegerency, they meant a kind of collective vicegerency within which the ulama occupied the first rank of those who assume the Imam's authority. This ranking was due to their special knowledge and qualifications. In the absence of the ulama, any just believer (*al-'udūl al-mu'minīn*) can fulfill the above duties as in cases of unattended guardianship. This includes cases wherein there is no specific legitimate custodian but the duty of supervision is fulfilled by Muslims as collective vicegerents of the just ruler (the government of the Imam). Placing juristic authority in the context of collective vicegerency provided the ulama with a mental justification for considering their position as the delegated authorities of the Imam. They were his collective vicegerents vis-à-vis the four special deputies of the Imams during their lives and the Lesser Occultation.

The doctrine of the vicegerency of the Imam was further sustained by the Safavid Usuli ulama. Shaykh 'Alī Karakī who was officially called *Nā'ib al-Imām* extended the scope of the above doctrine to include the Friday prayer and sermon. He also declared that "the upright Shi'i *faqīh* should replace the Imam in all affairs where the substitution was possible."³⁶ The very notion of "possible" not only delimits the application of this substitution but rather exhibits a juridical attitude toward the ruling power which should be considered as flexible if not dubious.

³⁴Muḥaqqiq Ḥillī, *Sharāyī' al-Islām*..., p. 53; 'Allāma Ḥillī, *Tadhkira*, pp. 452-3; Idem, *Tahrīr* ..., p. 163.

³⁵Shahīd al-Thānī, *al-Rawḍa l-Baḥiyya*..., v. 1, pp. 255, 264-65.

³⁶Modarresi Tabataba'i, *Kharāj* ..., p. 157.

The theoretical evolution of the doctrine of vicegerency reached its peak during the pre-Modern Age of the Qajar dynasty. The beginning of Qajar rule coincided with the re-establishment of the Usuli position in 'Atabāt. Qajar kings followed the Safavid religious policy without having a strong claim that they had descended from the Prophet's family. Although the Persian tradition of kingship has normally provided a strong pretext for any emerging or ruling power, the second Qajar monarch Fath 'Alī Shāh felt it necessary to draw the support of the religious classes so that he could be considered the one who, by his own qualifications or by virtue of being appointed by a qualified *mujtahid*, acts on behalf of the Imam of the Age.³⁷ Nevertheless, the Shah's desire to combine religious charisma with his political office was not restricted to the Usuli trend. He developed a similar relation with the Akhbarī and Shaykhī figures such as Mīrzā Muḥammad Akhbarī and Shaykh Aḥmad Aḥsā'ī (see above, p.52, and below, p.183).

Under the competitive circumstances mentioned above, Shaykh Ja'far Kāshif al-Ghiṭā' and Mullā Aḥmad Narāqī brought the problem of vicegerency of the Imam to the forefront of juridical discussion. Kāshif al-Ghiṭā' divided the vicegerency into three spheres: i) that which is the prerogative of the Prophet and Imams, such as proclaiming *jihād* etc., ii) that which is the sole prerogative of the *mujtahids* after the Imams, such as the administration of justice and cases of *ḥisba* (non-litigious affairs) and iii) that which is the prerogative of the *mujtahid* after the Imams but not in any exclusive sense

³⁷In addition to developing a wide-ranging affinity with a number of eminent ulama, Fath 'Alī Shāh tried to assume the title of *mujtahid* during the *jihād* war against the Russians. It should be added that Fath 'Alī Shāh's religious attitude was somewhat exceptional in Iranian history and remained peculiar to the period of his reign.

since any just Muslim (*al-'udūl al-muslimīn*) can assume this responsibility. The latter involves issues such as minor cases of *ḥisba*.³⁸

The jurist who is noted for reformulating this doctrine by combining the *niyāba* and *wilāya* --aspects of juristic authority was Mullā Aḥmad Narāqī. In order to define the mandate of the jurisconsult, Narāqī devoted an unprecedented chapter to *wilāyat al-faqīh* in which he vested the *faqīh* not only with the position of vicegerency but also with the all-embracing authority (*al-wilāya 'l-ʿāmma*) of the Imam.³⁹ If the idea of a full-fledged mandate of the jurisconsult was implied in the writings of Shaykh ʿAlī Karakī and Kāshif al-Ghiṭāʾ, Narāqī, by contrasting the above mandate with that of specific cases, gave a new and lucid form to this notion. In order to establish such a mandate for the Imami jurisconsult, Narāqī brought up nineteen tradition reports in addition to the evidence of rational proof and the claim of *ijmāʿ*.

Concerning the full and all-embracing mandate (*al-wilāya 'l-ʿāmma*) of the qualified jurisconsult, we-by divine grace- say that this mandate lies in two matters. First, every *wilāya* possessed by the Prophet and the Imams is bestowed upon the jurisconsults as well, except what is excluded by juridical proof such as *ijmāʿ* (consensus) or *naṣṣ* (designation).

For everyone whose mandate (concerning non-litigious affairs) is permitted, the jurisconsult will join him in *wilāya* but the opposite cannot be proven. Because the jurisconsult is the best creature of God after the prophets and the Imams, superior, trustee, caliph and *marjaʿ* etc., his mandate is certain but the others' are dubious.⁴⁰

³⁸Shaykh Jaʿfar Kāshif al-Ghiṭāʾ al-Najafī, *Khāṭimat al-Qawāʿid*, appended to *al-Ḥaqq al-Mubīn* (Tehran: Litho, 1898), p. 146.

³⁹Narāqī, *ʿAwāʿid*..., p. 188. There is evidence that Narāqī was, among other things, reacting to Kāshif al-Ghiṭāʾ's sketch of the doctrine of *niyāba*. In the introduction to his chapter, Narāqī said: 'I have found authors charging and authorizing the *ḥākim* with numerous affairs (duties) during the absence of the Imam, but they have not mentioned any reason for doing that. I have seen some of them presenting incomplete reasons for their acts. Nevertheless, this is an important issue which has remained disorganized and neglected in some of its aspects.' Ibid., p. 185.

⁴⁰Ibid., pp. 187-9.

Although Narāqī and Kāshif al-Ghiṭā' extended the scope of their juridical authority, they do not seem to have seen that their doctrines and practices in any way conflicted with the authority of existing powers. Not only had they separately sanctioned the reign of Faṭḥ 'Alī Shāh, but their very approaches indicate that they might have regarded their *shar'ī* hierocracy as parallel to the 'urfī monarchy.⁴¹

With little emphasis, Shaykh Muḥammad Ḥasan Najafī upheld the doctrine of vesting the upright jurist with the all-embracing authority of the Imam concerning the community's daily affairs.⁴² Amir Arjomand finds Shaykh Muḥammad Ḥasan's discussion of this concept to be the most influential:

Shaykh Muḥammad Ḥasan adduces the traditions of Ibn Ḥanzala and Abū Khadija and the ordinance handed down by the Hidden Imam to affirm and establish the general or collective authority (*vilāyat-i 'āmma*) of the Shi'ite jurists on behalf of the Hidden Imam by virtue of their commandments of the sacred law and the methods of deriving them. The authority of the hierocracy is said to extend to every field except where the Imams know of its inability to exercise authority, such as in *jihād* for the propagation of faith, which would require a commander and armies, and like matters that would necessitate the appearance of the rightful reign (of the Imam; *dawlat al-ḥaqq*).⁴³

The process of defining the scope of juridical authority as the vicegerent of the Imam was interrupted by the strong reaction of the pious Usuli ulama, represented by the most famous *marja'* of the pre-Modern Age, Shaykh Murtaḍā Anṣārī. Anṣārī dismissed the doctrine of the all-embracing mandate of jurisconsult on the basis of the well-known Usuli principle of *aṣālat al-'adam* denoting that any ruling is null and void unless its proof is legally established. Anṣārī found the tradition-reports

⁴¹See below, Chapter Three; Ahmad Kazemi Moussavi, "The Establishment of the Position of *Marja'-i Taqlid*," *Iranian Studies*, XVIII, (1985), p. 44.

⁴²Shaykh Muḥammad Ḥasan Najafī, *Jawāhir al-Kalām*..., v. 15, p. 422.

⁴³Amir Arjomand, *The Shadow of God*..., p. 232.

concerning the rank of the ulama irrelevant to the case, and he argued that the alleged consensus could be negated by a contradictory consensus:

But to be fair, after considering the wording of these traditions from beginning to end, we firmly say that these traditions exhibit the *faqīh's* duties only in respect to religious ordinances (*al-aḥkām al-sharʿiyya*), and not to being like the Prophet and the Imams, may God praise them. If the *faqīh* asks a Muslim to pay his religious taxes (*zakāt* and *khums*), there is no proof for his obligation to pay them to the *faqīh*...⁴⁴

The way in which Anṣārī approached the concept of vicegerency demonstrates that he was essentially concerned with the problem of implementing the mandate vested in the jurisconsult. Instead of *al-wilāya l-ʿāmma* (general mandate), Anṣārī used the more precise term of *wilāyat al-taṣarruf fi'l-anfus wa'l-amwāl*, i.e. the right of disposal over people and their properties. According to Anṣārī, only the Imam has the prerogative of such a right. Nevertheless, by virtue of his knowledge, the *faqīh* can interfere in the specific cases of *wilāya* such as *ḥisba* by giving permission (*idhn*) to others. "In fact, it is the knowledge of the *faqīh* which authorizes him, making him independent of the Imam (or his special deputies) in pertinent cases."⁴⁵

Given the above statement, Anṣārī highlighted the legitimizing status of the *faqīh* while abstaining from the problems involved in implementing the juristic mandate. Anṣārī's approach to clerical vicegerency was followed by his successors although in practice they exceeded the limits provisioned by Anṣārī. The confrontation between Anṣārī's successor Mīrzā Ḥasan Shīrāzī and Nāṣir al-Dīn Shāh regarding the Tobacco Concession was, in fact, the first lucid conflict between the status of *nāʾib al-Imām* and the king. The charismatic status of vicegerency was heightened by numerous saintly deeds and the reports of secret contact with the Hidden Imam which were attributed to the ulama (especially to Anṣārī) during the Qajar period. At this

⁴⁴Murtaḍā Anṣārī, *al-Makāsib*..., p. 153

⁴⁵*Ibid.*

juncture, the ulama found a common cause with the Sufis and Shaykhi, even though the difference in emphasis seems effective enough to separate them. In the above manner, the social prestige derived from the charismatic status of vicegerency contributed to the establishment of the position of *marjaʿ-i taqlīd* in the mid-13th/19th century.

C. Ijtihād

The development of the doctrine of *ijtihād* contributed to the evolution of juridical authority in Shiʿism in two ways. First, it enabled the ulama to rewrite the legal and ritual rules of *fiqh* in accordance with the principles of *ʿilm al-uṣūl*. Second, it formed the high office of *mujtahid* from which the ulama could link their knowledge to authority. *Ijtihād*, like other Shiʿite notions, passed through an evolutionary process during which the scope of its application changed. We, therefore, leave its definition to its proper historical context.

The earliest Shiʿite approach to the notion of *ijtihād* is marked by a strong reaction to the formative period of Islamic *fiqh* during which the role and presence of the Imams were neglected by the dominant Sunni currents. During the first centuries of Islam, *ijtihād* was applied to individual reasoning (*raʾy*) and thereafter, to reasoning by analogy (*qiyās*). Both of them were practiced in the form of giving legal opinion (*iftāʾ*) rather than a disciplined form of juristic argument. Only after the introduction of the rudiments of *ʿilm al-uṣūl* by Shāfiʿī (d. 204/820) and his conceptualization of the legality of the sources of *fiqh*, did the practice of *ijtihād* become based on the legal proofs of Shariʿa in a systematic manner.⁴⁶ However, the position of *mujtahid* and its qualification found its first complete exposition in Abū al-Ḥusayn al-Baṣrī's (d.

⁴⁶See Joseph Schacht, *The Origin of Muhammedan Jurisprudence* (Oxford: Clarendon Press, 1959), pp. 11-21.

436/1044) *al-Mu'tamad*.⁴⁷ Progressively the status of *mujtahid* was distinguished from that of the *mufī* whose legal opinion, unlike the legal opinion of the *mujtahid*, was valid only in specified cases.⁴⁸

The close link between *ra'y*, *ijtihād*, and *qiyās*, which were explicitly rejected by the sixth Imam, al-Šādiq, and the obscurity involved in their applications made Shi'i jurists such as Kulaynī, Šadūq, Mufīd, Murtaḍā and Ṭūsī denounce all of these methods of reasoning as innovations.⁴⁹ The contexts in which they denied these notions, are of paramount importance since most Imami authors of the early periods had often reacted either to the arbitrary content of *ijtihād al-ra'y* or to a certain conflicting Sunni and Shi'i current.

If the denial of *ijtihād al-ra'y* was due to its arbitrary content and its similarity to the Sunnite principle of *qiyās*, the rejection of *taqlīd* by Shaykh Mufīd⁵⁰ and Shaykh Ṭūsī was addressed to those traditionists who were then called *muqallida*. According to Ṭūsī's description of them, this group was not prepared to take anything but the very text of traditions into consideration.⁵¹ The fact that Kulaynī also dedicated a chapter on *taqlīd* in the theological part of his *al-Uṣūl min al-Kāfi*⁵² led Amir Arjomand to think that he rejected *taqlīd*.⁵³ However, according to the

⁴⁷Wael Hallaq, "Was the Gate of Ijtihād Closed?" *International Journal of Middle East Studies* v. 16 (1984), p. 5.

⁴⁸For a brief account of the difference between *iftā'* and *ijtihād*, see Khalkhālī, *Ḥakimīyat dar Islām*, pp. 282-295.

⁴⁹For example, See Kulaynī, *al-Uṣūl* ..., ed. Kamara'i, v.1, p. 94.

⁵⁰Martin McDermott, *The Theology of al-Mufīd* (Beirut: Dār al-Machriq, 1978), pp. 257-60.

⁵¹See above, Part I, Chapter Two.

⁵²Kulaynī, *al-Uṣūl* ..., v. 1., p. 92-94.

⁵³Arjomand, *The Shadow of God*..., p. 139.

commentary made by Mullā Şadrā Shirāzī⁵⁴ and Mullā Muḥsin Fayḍ Kāshānī,⁵⁵ the three traditions of this chapter are concerned with the failure of the Shi'is with respect to their *taqlīd* of the Imam as compared to the Sunnite sect of *Murji'a* whom Imam Şādiq regarded as being firm in their following of "wrong-doing" caliphs.

The principle of *taqlīd*, as practiced by the *muqallida*, is also rejected by Mufid⁵⁶ who is the first known Shi'ite jurist to authorize the ulama to fulfill some of the Imam's tasks during his absence. Although Mufid practiced *ijtihād* in order to deduce the ruling for the role of the ulama, we know that he negated the doctrine of *ijtihād* as an innovation.⁵⁷

A similar attitude can be observed in the writings of Murtaḍā and Ṭūsī. Murtaḍā, as Amir Arjomand pointed out, was cautious in justifying *taqlīd* because he was afraid to include the fundamentals of faith (*uṣūl al-dīn*) in such a way. This indicates that, at this point, the principle of *taqlīd* was not conceived and discussed as an inevitable imitation as defined by the later scholars, especially since the flourish of the Shi'ite center of Hilla.

Shaykh Ṭūsī discussed the necessity of seeking a *muftī* and following his legal opinion while negating *ijtihād* in general and repudiating both *muqallida* and the *Hashwīya* in particular.⁵⁸ Ṭūsī is considered to be the first Shi'ite jurist to refashion Imami *fiqh* in a manner which exceeded the scope of *iftā'* and accommodated the

⁵⁴Shirāzī, *Sharḥ al-Uṣūl al-Kāfi*..., p. 188.

⁵⁵Mullā Muḥsin Fayḍ Kāshānī, *al-Wāfi*..., v. 1, pp. 55-56. It should be added that Fayḍ interpreted the first tradition as an obvious proof against following *mujtahids*.

⁵⁶McDermott, *The Theology*..., pp. 247-53.

⁵⁷Shaykh Mufid rejected *ijtihād* in his *Awā'il al-Maqālāt* arguing that the selection of an Imam could not be on the basis of *ijtihād*. See McDermott, *The Theology*..., p. 132.

⁵⁸Ṭūsī, *Uddat al-Uṣūl*..., v.1, p. 333.

practice of *ijtihād*⁵⁹ although its doctrine was not yet accepted. In two of his later writings, *al-Mabsūṭ* and *al-Khilāf*, Ṭūsī benefited from the Sunni heritage as Modarrisi Tabataba'i has pointed out: "These two books were modelled upon Sunni works."⁶⁰

The doctrine of *ijtihād* went through a gradual change as a result of the development of Islamic legal theory (*uṣūl al-fiqh*). Abū 'l-Ḥusayn al-Baṣrī presented a full account of *ijtihād* in connection with his discussion of *qiyās*⁶¹ and *iftā'* as well as that of *taqlīd*.⁶² Although he did not classify the levels of *ijtihād*, nor distinguish between *ijtihād* and *iftā'*, the fact that he allowed commoners to follow the opinion of a regular jurist demonstrates that he was aware of the difference between the *mujtahid* and the *mufīṣ*.⁶³ Juwaynī highlighted the role of speculation (*ẓann*) in *ijtihād* but his primary emphasis was on the process of *iftā'* rather than on *ijtihād*.⁶⁴

It was Ghazālī who redefined *ijtihād* to signify the exertion of mental energy to the maximum extent in order to obtain religious ordinances from their original sources.⁶⁵ This reorientation of *ijtihād*, indeed, left little room for giving personal

⁵⁹ Jannāṭī, "Ijtihād...", p. 17.

⁶⁰ Modarrisi Tabataba'i, *An Introduction...*, p. 44. It is interesting to note that Shaykh Ṭūsī and 'Allāma Hillī, both of whom reshaped the Shi'ite legal and ritual rules had, in their youth, studied under Sunni scholars. It seems that this education enabled them to write books on comparative Islamic law, i.e. Ṭūsī's *al-Khilāf* and 'Allāma's *al-Mukhtalif*. Concerning Ṭūsī's background, see Muḥammad Vā'iz zāda Khurāsānī's introduction to Ṭūsī's *al-Jumal wa'l-'Uqūd* (Mashhad: Dānishgāh, 1968), p. 5.

⁶¹ Abū'l-Ḥusayn Muḥammad b. 'Alī al-Baṣrī, *Kitāb al-Mu'tamad*, 2 vols. (Damascus, 1965), v. 2, pp. 690-865.

⁶² Ibid., pp. 929-88.

⁶³ Ibid., p. 934.

⁶⁴ al-Juwaynī, *al-Burhān* ..., p. 132-3, 1330-60.

⁶⁵ Ghazālī, *al-Mustaṣfā*..., v. 2, p. 350.

opinion (*ra'y*). His conception is much broader than what was expounded previously in the chapter of *ifta'*. Ghazālī set the following general qualifications for the *mujtahid*: having knowledge and just nature.⁶⁶ He supported the idea of divisibility (*tajazzī*) of *ijtihād* and divided it into absolute (*muṭlaq*) and partial (*mutajazzī*). An absolute *mujtahid* who is qualified to practice *ijtihād* in all areas of substantive law, must have the mastery of the four Islamic sources: the Qur'ān, Sunna, *ijmā'* and *ʿaql*, as well as mastery of the three fields of Arabic, *uṣūl al-fiqh*, and *ʿilm al-ḥadīth*; while a partial *mujtahid* is required to know only the relevant parts of sources and enough methodology to arrive at a proper judgment.⁶⁷

Ghazālī, like Abū'l-Ḥusayn al-Baṣrī, discussed the problem of *iftā'* in connection with *taqlīd*. Ghazālī defined *taqlīd* as acceptance of the juridical opinion of others without knowing its reasoning. This *taqlīd* is divided into permissible and prohibited. He attacked the Ḥashwīya and the Taʿlīmīya by charging them with applying *taqlīd* to the principles of faith (*uṣūl al-dīn*). Ghazālī interpreted Shāfiʿī's statement: "Nobody but the Prophet should be followed" as not applicable to *istiftā'* (seeking a legal opinion), *istishhād* (seeking a witness), and acceptance of solitary tradition.⁶⁸ By putting *istiftā'* on par with *istishhād*,⁶⁹ Ghazālī seems to have considered the concept of *istiftā'*, which necessitates *taqlīd*, to be a matter of seeking knowledge rather than blind following. In this manner, the legality of *taqlīd* has found a more plausible place in Muslim thought. Another significant contribution which Ghazālī made to the doctrine of *ijtihād* is his elaboration of various logical

⁶⁶Ibid.

⁶⁷Ibid., pp. 351-54.

⁶⁸Ibid., pp. 387-90.

⁶⁹Ibid., p. 389.

avenues in which *ijtihād* operates, such as in the inquiry to discover the criterion on which a religious ordinance depends (*taḥqīq mināṭ al-ḥukm*) and the inquiry to refine such a criterion (*tanqīḥ mināṭ al-ḥukm*).⁷⁰ Although most of these avenues involve different kinds of *qiyās*, the logic behind them found its way to Shi'ite thought.

Ghazālī's successors in Sunni thought, such as Āmidī (d.632/1234) and Baydāwī (d.685/1286), as Wael Hallaq has suggested, "did not depart significantly from the established Sunni legal doctrine propounded by Ghazālī."⁷¹ On the other side, the Shi'ite juridical school which flourished in Ḥilla came into close contact with the dominant Sunni school to such an extent that many Ḥillī scholars such as Muḥaqqiq and 'Allāma had part of their education under Sunni teachers. For this reason, it seems plausible that the new generation of Imami ulama, who had been employing *ijtihād*, looked to Sunni law for the theoretical format of their practice. In fact, Ḥillī scholars, especially 'Allāma, not only adopted the doctrine of *ijtihād* but also *taqlīd* and *qiyās* to a certain extent. 'Allāma legitimized two kinds of *qiyās*: i) *al-manṣūṣ al-illa* in which the rationale is designated in the Qur'ān and Sunna, ii) *al-ḥukm fi'l-far' aqwā* i.e. wherein the minor case has more applicability to law than its premise.⁷²

On the basis of the above, just as the Akhbarī opponents of 'Allāma and Muḥaqqiq suggested, we regard the adoption of *ijtihād* in Shi'ite legal thought as a result of Shi'i-Sunni rapprochement. There is, however, another way of looking at this change of attitude toward *ijtihād*. Madelung seems to have considered the adoption of the doctrine of *ijtihād* to be a departure from the traditions of early Imamis. He writes:

⁷⁰Ibid., v. 2, pp. 230-34; see also Abū'l-Qāsim Gurjī, "Ārā'-i Ghazālī dar 'Ilm-i Uṣūl," *Ma'ārif* 1 (1984-85), p. 144.

⁷¹Hallaq, "Was the Gate....," p. 27.

⁷²'Allāma Ḥillī, *Tabdhīb*..., chapter on *qiyās*.

Ijtihād, vigorously condemned in early Imami Shiism, now became a vital and dynamic principle of its jurisprudence, at a time when the door of *ijtihād* was widely claimed to be closed in Sunnism. Every Shiite who does not himself have the qualifications of a mujtahid is expected to choose one whose legal opinions he will regularly follow. He is not permitted to follow the legal doctrine of a book, however highly esteemed it may be in scholarship, or the opinions of a mujtahid who is no longer alive. The *ijtihād* is thus constantly renewed. For this purpose, a copious literature of works on the *uṣūl al-fiqh*, legal methodology, ever more elaborate and refined, has been and continues to be produced in Imami Shiism, a literature that has no counterpart in modern Sunnism. The reasons for this different development of *ijtihād* in Imami Shiism and Sunnism are apparently two. On the one hand, a consensus of the Shiite ulama, in contrast to the Sunnite situation, is of no legal consequence. No question open to *ijtihād* can thus ever be settled conclusively through a consensus of the Shiite ulama; nor can it ever be claimed that the door of *ijtihād* itself has been closed by a consensus. On the other hand, the traditional preoccupation of Imami thought with the notion of certitude in the law led the Imami scholars to view *ijtihād* not simply as a meritorious endeavor to discover the intent of the divine Lawgiver that may either succeed or fail, but rather as an effort to reach the highest degree of probability or the closest approximation to the objective truth possible in the absence of the infallible imam. This effort must constantly be renewed in the hope of coming still closer to objective truth and certainty. *Ijtihād* thus must remain an open process until the return of the imam who alone can offer perfect truth and certainty.⁷³

It is evident that the above view is based on two premises: First, unlike Sunnis, Imami Shi'is could not conclude an *ijmā'* to cease the activity of *ijtihād*. More recent research, however, challenged the very existence of such an *ijmā'* among the Sunnis. Moreover, it upholds the continuity of *ijtihād* in the Sunni community both in theory and practice.⁷⁴ Second was the traditional preoccupation of Imami thought with the notion of certitude in law. We could not find any reason to believe that such a preoccupation was confined to Shi'ite thought. On the contrary, the adoption of the doctrine of *ijtihād* by the Shi'ite school of Ḥilla coincided with the rise of the famous

⁷³Madelung, "Authority in Twelver Shi'ism...", p. 169.

⁷⁴Hallaq, "Was the Gate...", pp. 3-34; and Idem. "On the Origins of the Controversy About The Existence of Mujtahids and the Gate of *Ijtihād*," *Studia Islamica* 63 (1986), pp. 129-141.

Hanbalī scholar Ibn Taymiya (d.628/1239) whose life and writings demonstrate his preoccupation with the problem of certitude in Sunni law.

The differences between the Sunni and Shi'i conceptions of *ijtihād* result from the different circumstances in which the office of *mujtahid* emerged in the two religious traditions rather than due to a difference in the practice of *ijtihād* itself. In Sunnism, the office of the learned jurists was considered supplementary to the ruling caliphs. In contrast, the Shi'i office of *mujtahid* was reinforced by the ulama's elevated status as vicegerents of the Imam, hence *mujtahids* were generally considered to voice the opinions of the Imam of the Age.⁷⁵ The position of *mujtahid* appeared with this two-fold significance since the Safavid period. The Shi'ite learned jurist was not considered a simple *mufī* or qadi, but a vicegerent of the Imam. This is evident in the position held by Shaykh 'Alī Karakī who added to it the title of *nā'ib al-Imām*. Despite the Akhbari opposition to the principle of *ijtihād*, the doctrinal evolution of Usulis continued to invest the *mujtahids* with more authority. Shaykh 'Alī Karakī ruled out the permissibility of following a dead *mujtahid*.⁷⁶ This *fatwā* also has roots in Sunni jurisprudence as represented by Ghazālī.⁷⁷ Mullā Aḥmad Ardabili, the Muqaddas, wrote "*taqlīd* of *mujtahid* is proper and permissible; indeed it is obligatory once a proof for it has been established."⁷⁸ Nevertheless the incumbency of *taqlīd* did not

⁷⁵The significant growth of the office of *mujtahid* was visible during the Safavid period when Astarābādī attacked *mujtahids* because of their tendency to divide the community into *mujtahidūn* and *muqallidūn*. See above Part One, Chapter Two.

⁷⁶Arjomand, *The Shadow of God...*, p. 140.

⁷⁷Ghazālī, *al-Mustasfā*, vol.2, pp.384-87.

⁷⁸Arjomand, *Authority and Political Culture...*, p. 264; translated by John Cooper.

prevail at this stage since we find that Shaykh Ḥasan ʿĀmilī, a contemporary of Muqaddas, considered *taqlīd* to be permissible only, not obligatory.⁷⁹

The evolutionary process of *ijtihād* entered a new era when the leading authority of the Akhbari camp Shaykh Yūsuf Baḥrānī adopted *ijtihād* in order to develop Akhbari jurisprudence. Baḥrānī wrote:

If a jurisconsult had no way of acquiring knowledge, should he wait until the time of certainty (the re-emergence of the Imam) or is he allowed to use his *ijtihād* and to find a solution for problems? The latter sounds plausible.⁸⁰

It is clear that Baḥrānī, unlike Astarābādī, did not consider the existing tradition-reports sufficient enough to provide answers to the daily questions of the Shiʿis. Elsewhere, he referred to "the closure of the gate of acquiring religious rules during the absence of the Imam." On the basis of this common feeling that the employment of *ijtihād* was necessary, Baḥrānī's Uṣūlī opponent, Muḥammad Bāqir Bihbihānī, put forth the validity of *mujtahid* speculation and the validity of his general knowledge (*ʿilm al-ijmālī*) in an unprecedented way.

It is proverbial among the ulama that the gate of acquiring knowledge concerning religious ordinances (*aḥkām*) is closed (upon the absence of the Imam). How? We see a large number of *aḥkām* which become known after effort. This is true despite the fact that effort leads to speculation (*ẓann*) which is neither proof (*ḥujjat*) nor beneficial; despite the fact that Akhbaris claim that the gate of acquiring knowledge is not closed and it is a matter of controversy; and despite the fact that in many cases we know things without searching, because they are obvious. We say that no speculations are proofs, nor may *ijmāʿ* (which is reversible by contradictory *ijmāʿ*) nor even self-evidency (*bidāha*) amount to absolute proof. It is only the *mujtahids'* speculation acquired after endeavor (*ijtihād*) that weighs as proof.⁸¹

⁷⁹ʿĀmilī, *Maʿālim al-Uṣūl*..., v. 2, p. 273.

⁸⁰Baḥrānī, *al-Ḥadā'iq*..., v. 6, p. 301.

⁸¹Bihbahānī, *Risālat al-Ijtihād wa'l-Akhbār*..., p. 16.

Bihbihānī's success in re-establishing the Usuli school in Ātabāt was followed by the dominance of a network of his Usuli pupils who eventually considered him as restorer (*mujaddid*) of a new era in Shi'ism. The idea of *tajdīd* was justified according to a Prophetic tradition "God sends at the turn of each century a man who renovates the rule of Islamic jurisprudence" since the fifth/eleventh century.⁸² The Shi'ite ulama made use of this notion to pay their respect to Shaykh Ālī Karakī⁸³ and Bihbihānī who made a new epoch for Usuli dominance. Theoretically, however, Bihbihānī did not contribute much to the method of elaboration of *fiqh* since he did not write a noteworthy work in this field.⁸⁴

The re-assertion of the doctrine of *ijtihād* by Bihbihānī paved the way for a new round of literature on *fiqh* with elaborated details.⁸⁵ This process reached its peak with Shaykh Muḥammad Ḥasan Najafī who wrote the largest *fiqh* work in the Shi'ite world. The existence of such writings, of course, does not necessarily mean a wider employment of *ijtihād* in its technical sense. Rather, in reality, it comprised a kind of endless juristic speculation whose vicious sequence ceased only with the prudential withdrawal (*tawaqquf*) of the ulama.⁸⁶ Regardless of the effect this *ijtihād* had

⁸²Hallaq, "Was the Gate....," p. 27.

⁸³See Mudarrisi Tabataba'i, *Kharāj*..., p. 49.

⁸⁴Ālī Davānī, *Vahīd-i Bihbihānī* (Tehran: Amīr Kabīr, 1983), p. 129.

⁸⁵E.g. see *Riyāḍ al-Masā'il* by Sayyid Ālī Ṭabāṭabā'ī, *Kashf al-Ghiṭā'* by Shaykh Ja'far Najafī, *Mustanad al-Shi'a* by Mullā Aḥmad Narāqī and *Minhāj al-Ijtihād* by Muḥammad Taqī Baraghānī.

⁸⁶The frustration of the ulama over the juridical speculations is reflected in the poetry of Aḥmad Narāqī,

For the sake of being called a scholar how long
will you build one speculation upon another
speculation? Sixty years have passed by you,
simply repeating, 'What he said', and 'what I say',
which are not worth more than a penny. *Fiqh* is

upon Shi'ite legal thought, it led to a more widespread application of *taqlīd* which in turn brought a wider social significance for the role of *mujtahids* in the community.

To summarize the process of the application of *ijtihād* in Shi'ism, the following distinctions can be made: i) The separation of *ijtihād* from *ra'y* and *qiyās*, and the adoption of *ijtihād* as a process of arriving at valid speculation (*ẓann*). ii) The conjunction of *taqlīd* with the *ijtihād* of an active *mujtahid*. iii) The incumbency of the *taqlīd* of such a *mujtahid* in the daily affairs of the community. iv) The enhancement of the position of the qualified *mujtahid* over all other *mujtahids* and *mufīṣ*. In the above manner, the doctrine of *ijtihād* was incorporated into Shi'ite hierarchy from which the institution of *marja'* appeared in the middle of the 13th/19th century.

An overall glance at the objective which the doctrines of *a'lamīyat*, *niyābat* and *ijtihād* had served, demonstrates how delicately the conjunction of these notions worked to embody the position of a single jurisconsult who acts on behalf of the Imam with supreme knowledge and with the best *ijtihād*.

good for the purpose of practice, not for raising arguments and conflicts. It is wrong to weave suppositions and then call them knowledge or wisdom.

See Narāqī's *Mathnavī-yi Taqdīs* (Tehran: Amīr Kabīr, 1983), p. 25.

Chapter Two

The Financial Sources of The Authority Assumed by The Shi'ite Ulama and *Marja'*

The origin of the financial strength of the Shi'ite ulama and the basis of their economic independence had an important role in the institutionalization of the *marja'iyat*. The *marja'* assumed the responsibility of performing the crucial task of collecting and distributing alms taxes on behalf of the Imam. The assumption of this role entitled him to be considered the repository of funds (*marja'-i vujūhāt*) in addition to being the authority of giving legal rulings for emulation (*marja'-i fatwā va taqlīd*). Aside from his doctrinal qualifications and his piety, on a practical level, a *marja'* should be able to raise enough funds to finance his teaching and the network represented by him (*hawza*). It was the responsibility of the *marja'* to pay the monthly stipends of religious students in the shrine cities, especially those in 'Atabāt. The payment of these stipends, which is called "bread money" (*pūl-i nān-i tullāb*), was, in fact, the final step in the confirmation of the position of a new *marja'*. In several instances, there were two, three or even four superior *mujtahids* who competed for the position of *marja'iyat* but they only took part in the collective leadership of the Shi'ite centers of 'Atabāt. In these cases, the payment of the student subsidies, especially that of the Najaf center, was a noteworthy way of acknowledging the all-embracing authority of the *marja' (āmm)*.

It was in this way that financial strength played a decisive role not only in the foundation of the economic independence of the ulama but also in the formation of their hierarchy. The basis of this financial independence lies in two sets of factors which had been worked out by the ulama over the centuries. First, they progressively developed the laws governing the collection of *zakāt* tax, *khums* alms, *waqf* (pious endowment) and *al-makāsib al-muḥarrama* (illegal transactions) which gave a greater role to the

mujtahids in their assumption of the prerogatives of the Imam. Secondly, since the late Safavid period, the ulama had built a working relationship with the merchant and artisan classes which virtually guaranteed the support of the bazaar for the mosque. Both of these developments have their roots in the growth of that part of Shi'ite *fiqh* pertaining to *mu'āmalāt* which provided adequate norms to accommodate Imami positive law. Thus, we will try to revise the historical evolution of the above norms and then we will treat the bazaar and mosque relationships.

A. The Collection of *Khums* and *Zakāt*

The collection of *khums*, especially the Imam's share (*sahm al-Imām*), appears to be the most significant source of income for the ulama in the post Safavid period. The concept and practice of collecting *khums* developed in conjunction with the collection of *zakāt* which had also devolved upon the ulama in theory. In practice, as we will see, the collection of *zakāt* did not constitute an independent source of income for them. The issue of *khums* and *zakāt* collection and its relation to the role which the ulama were to play in society during the occultation of the Imam from the community was addressed by the rational Usuli school of Baghdad.

Zakāt as a purification tax was discussed by Mufid in his *al-Muqni'a*. He appears to be the first jurist to have stated that *zakāt* must be delivered to trustworthy *fuqahā'* (jurisconsults) during the absence of the Imam and his caliph or special deputy (*al-nā'ib al-khāṣṣ*).¹ A similar opinion was given by Mufid on the question of *khums* in his *al-Muqni'a*.² However, Mufid's position on *khums* does not appear to be firm since he is quoted by Ṭūsī as saying that "when the people could not reach the Imam

¹Mufid, *al-Muqni'a*, p. 41; Norman Calder, "Zakāt in Imami Shi'i Jurisprudence from the Sixteenth Century A.D.," *Bulletin of the School of Oriental and African Studies* 64 (1981), p. 475; Newman, "The Development...", v.1, p. 309.

²Mufid, *al-Muqni'a*, p. 46.

and did not know his whereabouts they should deliver *khums* to its recipients, i.e., orphans, needy and the descendents of the Prophet."³ Mufid clearly states the case of each of the above recipients who acquire one share out of the six shares of *khums*. Only the three remaining shares which belong to the Imam presented difficulty in determining to whom they belong. The pattern set by Mufid concerning *zakāt* was followed by Murtaḍā except that he modified Mufid's view by insisting on preference rather than incumbency. He says, "it is better to disburse *zakāt*.. to the Imam or his *khulafā'* representing him; and if that is impossible it is related that it should be disbursed to trustworthy *fuqahā'*."⁴

Murtaḍā's view was further corroborated by Ṭūsī, who also preferred the disbursement of *zakāt* through the agency of the ulama. Norman Calder's examination of the accounts of the distribution of *zakāt* during the occultation of the Imam presented by Muḥid, Murtaḍā and Ṭūsī led him to conclude that "they were not themselves, however, referred to as representatives of the *Imām* but rather as a kind of residual authority which became effective precisely in the absence of representatives."⁵

On the subject of *khums*, Ṭūsī expanded its application to include a variety of items which had no precedent in either Shi'ī or Sunni law. Ṭūsī's list of items for *khums* was finalized in his *al-Nihāya* and included spoils of war, regular earnings, treasures, minerals and what is acquired from the sea, etc.⁶ It is noteworthy that Ṭūsī included the income earned from dubious and illegal sources among the items subject to *khums*. He argued that taking a fifth of this item would eliminate the corrupt nature of

³Newman, "The Development...", v.1, p. 330.

⁴Calder, "Zakāt ...," p. 475; Newman, "The Development...", v.1, p. 310.

⁵Calder, "Zakāt ...," p. 476.

⁶Ṭūsī, *al-Nihāya*, v. 1, pp. 204-206.

the rest of it and he appears to be the first known Shi'ite jurist to establish this way of eliminating the corrupt nature of these dubious earnings.⁷ With regard to the distribution of *khums*, Ṭūsī first admitted the lack of an explicit legal ruling (*naṣṣ*) and that the manner of disposition of *khums* should be established on the basis of practical concerns. He, however, excluded the disbursement of *khums* to an unjust government (*al-sulṭān al-jā'ir*) during the occultation. Later, Ṭūsī stated that the Imam had permitted the Shi'is the right to dispose of the *khums* in order to cover the expenses of marriages, necessary trades and the construction of buildings for the needy during the occultation. Finally, he concluded that it would be wiser to entrust *khums* to reliable individuals.⁸

Regarding the Imam's three shares, Ṭūsī envisioned that they were either buried in or entrusted to reliable individuals pending the reappearance of the Imam.⁹ If one takes into consideration Ṭūsī's ruling on *zakāt al-fiṭra* which he confirmed should be delivered to the Shi'ite *fuqahā'* during the occultation,¹⁰ it can be assumed that he had considered the ulama as reliable individuals.

Approximately two and a half centuries later, Muḥaqqiq Ḥillī, without citing or commenting on the opinion of others, ruled that *zakāt* was to be delivered to the trustworthy jurisconsult (*al-faqīh al-ma'mūn*) in the absence of the Imam because the *faqīh* is more learned in the categories of *zakāt* and its distribution.¹¹ On *khums*,

⁷See below section B, "Absolution of Wrongdoing (*Radd al-Maẓālim*)"

⁸Ṭūsī, *al-Nihāya*, p. 207; Idem, *al-Mabsūṭ*, v.1, p. 264; Newman, "The Development...", v.1, pp. 341-344; Norman Calder, "Khums in Imami Shi'i Jurisprudence from the Tenth to the Sixteenth Century A.D.," *Bulletin of the School of Oriental and African Studies* 45 (1982), p. 40; Sachedina, *The Just Ruler*, p. 240.

⁹Ṭūsī, *al-Nihāya*, v. 1, p. 308 and Idem, *al-Mabsūṭ*, v. 1, p. 264.

¹⁰Idem, *al-Nihāya*, v. 1, p. 199.

¹¹Muḥaqqiq Ḥillī, *Sharāyi' al-Islām*, p. 49 and Calder, "Zakāt ...," p. 476.

Muḥaqqiq only concerned himself with the question of the Imam's shares and, with strong language, ruled that "it is incumbent upon the one who, by virtues of the right of vicegerency of the Imam is authorized to rule, to administer the Imam's shares."¹²

ʿAllāma Ḥillī elaborated the pattern set by his uncle Muḥaqqiq by ruling that the *zakāt* payer himself can distribute *zakāt* but it would be more appropriate to leave this responsibility to the just Imam or to the reliable jurisconsult.¹³ Regarding the *khums*, ʿAllāma ruled that the three shares of the Imam should be distributed among the same categories of the needy who are entitled to the rest of the shares. However, he adds, this distribution must be realized by the ulama who by virtue of the right of vicegerency of the Imam are authorized to rule (*man lahu 'l-ḥukm*).¹⁴ In his *Tadhkira*, ʿAllāma confirmed the status of the category of ulama as the trustworthy jurisconsult who possessed all of the necessary conditions of giving legal opinions.¹⁵ On the whole, ʿAllāma characterized the role of the ulama as recommendable (*mustaḥabb*) with regard to the collection of *zakāt*, and obligatory regarding *khums*. Obviously, the three shares of the Imam account for this incumbency; however, some kinds of *zakāt* such as *zakāt al-fitr*, must also be disbursed to the ulama because of its ritually sanctioned nature.

On the doctrinal level, the rule of the ulama reached its peak with Shahīd I's ruling that the payment of both *zakāt* and *khums* to the jurisconsult should be considered obligatory.¹⁶ Norman Calder's comparison of the rulings given by Shahīd I

¹²Ibid. p. 53., and Sachedina, *The Just Ruler*, p. 241.

¹³ʿAllāma Ḥillī, *Taḥrīr*, p. 67 and Idem, *Tadhkira*, v.1, p. 246.

¹⁴Idem, *Taḥrīr*, p. 75; Idem, *Tadhkira*, p. 255.

¹⁵Idem, *Taḥrīr*, p. 255.

¹⁶Shahīd al-Awwal, *al-Lumʿa* and Shahīd al-Thānī, *al-Rawḍa l-Baḥiyya*, v. 2, pp. 53, 79-80.

and Mufīd on the issue of *zakāt* illustrates the significance of the due juridical courses for the acceptability of a doctrine

Shahīd thus produced a ruling whereby *zakāt* could be a compulsory tax, administered not by the government but by the *fuqahā'*. Mufīd, it is true, some three and a half centuries previously, had already stated something rather like this but that statement had proved premature: it had not found general acceptance. Centuries of legal effort and a gradual refinement of the concept of clerical authority had provided a context, a structure and a justification which made Shahīd's I's assessment seem both appropriate and convincing.¹⁷

Emphasizing the exclusive right of the Imam and the *faqīh* over the three shares of *khums*, Shahīd I went so far as to rule that these shares cannot be disbursed during the occultation, rather they should be saved. Shahīd II, however, interpreted this opinion according to the more popular view that those shares can be spent exceptionally for the expenses of marriage, necessary trade and residence.¹⁸ Shahīd II reconfirmed the seven categories of incomes which include almost all profitable activities.¹⁹

The ulama of the Safavid period not only upheld the position propounded by the school of Hilla²⁰ but also began to enjoy the practical benefits of such doctrine.

"According to Du Mans, they collected the religious taxes (*zakāt*), and more significantly *khums*."²¹ Shaykh Bahā' al-Dīn 'Āmilī ruled on the obligation of paying the Imam's share to the *mujtahid*.²² Majlisī the Younger, the chief jurist of the late Safavid period indicates the importance of *khums* for the living *sayyids* (descendants

¹⁷Calder, "Zakāt," p. 577.

¹⁸Shahīd al-Awwal, *al-Lum'ā* and Shahīd al-Thānī, *al-Rawḍa l-Bahīya*, v. 2, pp. 79-80.

¹⁹Shahīd al-Thānī, *al-Rawḍa l-Bahīya*, v. 2, pp. 65-74.

²⁰E.g. See Bahā' al-Dīn 'Āmilī, *Jāmi'ī 'Abbāsī*, p. 108.

²¹Arjomand, *The Shadow of God*, p. 127.

²²'Āmilī, *Jāmi'ī 'Abbāsī*, p. 108.

of the Prophet's family) by his complaint about the shortage of *khums*-payers during his time. He emphasized the role of the ulama in legitimizing the use of *khums*.²³ The connection of the religious charity to the *sayyids* and ulama is also depicted in the two chapters of the *ʿĀlamārā-yi ʿAbbāsī* dealing with the role of the *sayyids* in relation to the state office of *ṣadr*.²⁴ The financial riches of the ulama during this period can be seen in the letter written by Shaykh Ibrāhīm Qāṭifi to his well-known adversary Shaykh ʿAlī Karakī. Here, the former accused the latter of becoming one of the "*ahl-al-rakhā*" (people of leisure).²⁵

Nevertheless, the increasing role which the ulama played in the collection of *zakāt* and *khums* was doctrinally challenged by a number of authors, primarily of Akhbari tendencies. Mullā Muḥsin Fayḍ ruled that the three shares of the Imam are discharged during the occultation.²⁶ Ḥurr ʿĀmilī supported the idea of disbursing the three shares for the benefit of the three categories of *sayyid*, orphan and needy.²⁷ Shaykh Yūsuf Baḥrānī reduced the obligation of levying *zakāt* and *khums* by well-qualified ulama to the category of "commendable" in which the use of *khums* is especially confined to the purpose of marriage, trade and residence.²⁸ Baḥrānī was

²³See the chapter on *khums* in Muḥammad Bāqir Majlisī, *Zād al-Maʿād*. It is noteworthy that Majlisī included the name of tradition-reporters (*muḥaddithūn*) among the ulama entitled to interfere in *khums*. This demonstrates Majlisī's pragmatic position between Usulism and Akhbarism.

²⁴Turkamān, *Tārīkh-i ʿĀlamārā-yi ʿAbbāsī*, v. 1, pp. 143-158.

²⁵Newman, "The Development...", v. 2, p. 873.

²⁶See Baḥrānī, *al-Ḥadāʾiq*, v. 12, p. 462. It seems that Muḥammad Bāqir Majlisī's refutation of people who stated that the *khums* and the Imam's shares are discharged during the occultation, was addressed to Fayḍ Kashānī. See Majlisī, *Zād al-Maʿād*, chapter on *khums*.

²⁷Ḥurr ʿĀmilī, *Wasāʾil al-Shīʿa*, v. 6, p. 375.

²⁸Baḥrānī, *al-Ḥadāʾiq*, v. 12, pp. 222, 319, 437-47.

surprised by Majlisī's apparent one-sided account in the above mentioned *Zād al-Ma'ād* and rejected Majlisī's simplified way of legitimizing the appropriation of *khums* without separating its components and explaining their legality.²⁹

Despite some opposition from the pious and the prudent as well as the Akhbari ulama, the increased role of the *mujtahids* in the collection of *khums* and *zakāt* reached a new peak with the emergence of the re-established Usuli school of 'Atabāt. This new generation of Usuli ulama not only sustained the notion of the obligation of distributing the *khums* and *zakāt* "but reportedly went so far as to consider anyone who withheld the payment of *khums* as a rebel against the Imam and his vicegerent."³⁰ The development of the doctrine of vicegerency of the Imam during the Qajar period made the collection of the three shares belonging to the Imam an exclusive prerogative of the leading *mujtahid* who could claim such charismatic authority. When the institution of the supreme source for emulation emerged in the mid-thirteenth/nineteenth century, the *marja'* was generally designated as the repository of funds (*marja'-i vujūhāt*) in addition to other ranks he already possessed. The flow of *khums* to Najaf under the leadership of Shaykh Anṣārī reached the point wherein he authorized the use of the Imam's three shares for financing the local institutions of learning instead of sending it directly to Najaf.³¹ The idea that *sahm-i Imām* was the

²⁹Ibid, pp. 466-68.

³⁰Arjomand, *The Shadow of God*, p. 231; Lambton, *State and Government*, p. 287; Mīrzā Buzurg Qā'im Maqām, *Jihādīya*, ed. Jahāngīr Qā'im Maqāmī (Tehran: n.d. 1234/1818), pp. 18-47.

³¹Murtaḍā Anṣārī, *Zindagānī*, p. 79; see also, Juan Cole, "Imami Jurisprudence and the Role of the Ulama, Morteza Ansari on Emulating the Supreme Exemplar," in *Religion and Politics in Iran*, ed. Nikki Keddie (New Haven: Yale University Press, 1983), p. 42.

cornerstone of the Shi'ite clerical apparatus³² is based on the fact that the distribution of the three shares of the Imam became an indisputable prerogative of the high-ranking ulama; while the remaining shares of the *khums* were often claimed to have been paid directly to its recipients. *Zakāt*, too, has usually been said to be paid to the government.

B. Absolution of Wrongdoing (*Radd-i Mazālim*)

Another arena in which the ulama played their juristic role is in the administration of justice. The administration of justice encompasses a wide variety of litigious and non-litigious affairs including qadiship and the broad category of promoting the good and forbidding evil.³³ What especially concerns us here, is the ulama's role in legitimizing the use of money or credit earned from illegal transactions (*al-makāsib al-muḥarrama*) and dubious ownership (*majhūl al-mālik*). This role, which later was called *radd-i mazālim* (absolution of wrongdoings), emerged during the post-Safavid period and became the second important source of the ulama's income next to *khums*. In fact, it involves the process of taking extensive alms from the illegal transactions and dubious ownerships for which the necessary *khums* had not been paid.

The law concerning the prohibition of illegal transactions appears in Kulaynī's *al-Kāfi* in chapters of *al-Makāsib al-Muḥarrama* and *al-Suht*.³⁴ Both chapters deal with sales of forbidden materials such as wine, pork and any income from fraudulent or usurious transactions. In any case, if some money or goods are mixed with corrupt

³²Murtadā Muṭahhari, *Baḥthī dar Bāra-yi Marjaʿīyat va Rūḥānīyat* (Tehran: Shirkat Intishār, 1962), p. 179.

³³A short list of such affairs is given by Shaykh Jaʿfar Najafī in his *Khātimat al-Qawāʿid* as the tasks which are the sole prerogative of *mujtahids*.

³⁴Muḥammad b. Yaʿqūb al-Kulaynī al-Rāzī, *al-Furūʿ min al-Kāfi*, 7 vols. (Tehran: Islāmīya, 1378/1958), v. 5, pp. 124-128.

funds and materials, they cannot be used unless a fifth of it is taken for charitable purposes.³⁵ Shaykh Ṭūsī treated the issue of taking the fifth and forbidden materials in separate chapters.³⁶ ʿAllāma Ḥillī differentiated between forbidden sales and reprehensible deeds (*makrūh*), both of which required distribution of the fifth in order to render them acceptable. Among the reprehensible deeds, Ḥillī included working for an unjust government which can be legitimized in the case of having the intention of promoting good in addition to paying the *khums*.³⁷

With regard to illegal transactions, the funds, assets and liabilities of which nobody can claim ownership, fall under the supervision of the jurisconsult who acts in the position of *ḥākim* (the ruling *qāḍī*) in these cases.³⁸ The juridical development of the above norms occurred in many legal stages over several centuries and finally became established in *fiqh*. The increased number of references to the role of the *faqīh* in litigious and non-litigious affairs during the Qajar period indicates the peak of this development in doctrine and in practice. For example, most of the doctrinal questions propounded by Shaykh Jaʿfar Kāshif al-Ghiṭāʾ, in his *al-Ḥaqq al-Mubīn* demonstrate the day-to-day practices of the community which had been the cause of raising such questions. We know that Kāshif al-Ghiṭāʾ made regular trips to Iran to collect *khums* and absolution payment for oppressive wrongdoings (*radd-i maẓālim*).³⁹

Historically, we see that Kāshif al-Ghiṭāʾ and Mullā Muḥammad Taqī Baraghānī considered the state's collection of custom's duties and donation of fiefs

³⁵Ibid, p. 125.

³⁶Ṭūsī, *al-Nihāya*, v. 1, pp. 204, 264-72.

³⁷ʿAllāma Ḥillī, *Taḥrīr*, pp. 160-163.

³⁸For example, see Baḥrānī, *al-Ḥadāʾiq*, v. 20, pp. 146-78.

³⁹Tunakābunī, *Qīṣaṣ*, pp. 149-193; Arjomand, *The Shadow of God*, p. 231; Lambton, *State and Government*, p. 287.

(*tuyūl*) illegal. Shaykh Ja'far reportedly claimed that the money received under the pretext of custom's duty should be considered as *majhūl al-mālik* (of anonymous ownership) and the appropriation of this money is legally left to the jurist.⁴⁰ Baraghānī also deemed the governmental fief to be invalid. He sold several state granted villages (*khālīṣa*) as *majhūl al-mālik* which were not usually open for sale.⁴¹ By virtue of the formula of *radd-i maẓālim*, some of the Shi'ite ulama of the Qajar period gave themselves the right to collect the unpaid *khums* retroactively in addition to what was due for the current year. As a result, properties which had not been legally cleared came to be classified as unidentified.

C. The Administration of Waqf

Another traditional source of revenue for the ulama derived from the administration of religious endowments. For the first time, *waqf* appeared as an appendage to the chapter on charity (*ṣadaqa*) in Mufid's *al-Muqni'a* where he says, "originally it is an irrevocable charity."⁴² It is noteworthy that there is no chapter on *waqf* in Kulaynī's *al-Kāfī* although a fair portion of this book is devoted to charity.⁴³ The legal rules of *waqf* occupy a small portion of Ṭūsī's writings where he discusses the role of the jurisconsult in terms of the *ḥākim* who should supervise religious endowments in the absence of an appointed superintendent (*nāẓir*).⁴⁴

By the time of 'Allāma Ḥillī, the question of *waqf* was expanded to several chapters; one of which was devoted to the administration of *waqf* (*tawliyat al-waqf*).

⁴⁰Tunakābunī, *Qīṣaṣ*, p. 196.

⁴¹Ibid, p. 27 and Algar, *Religion and State in Iran*, p. 49.

⁴²Mufid, *al-Muqni'a*, p. 99, 136.

⁴³Kulaynī, *al-Furū' min al-Kāfī*, v. 4, pp. 2-62.

⁴⁴Ṭūsī, *al-Mabsūṭ*, v. 3, p. 301.

The role of the jurisconsult in the position of *ḥākim* is clear and fully treated in the case when the endowed institution lacks a superintendent or he loses his qualification.⁴⁵ On a practical level, 'Allāma made it obligatory for the *nāzir* to be well-qualified when no other condition is stipulated by the endower.⁴⁶ Against this background, the ulama benefitted from the *waqf* through two channels, that of *ḥākim* and *mutawallī* in addition to the supervision of endowed *madrasas*, mosques and shrines.

The concern for the development of endowed institutions was not confined to the ulama, the state also instituted the office of *ṣadr* to control both religious endowments and institutions of learning. This office, which existed since the Timurids, flourished under the Safavids and was divided into general and sub-*ṣadrs*. According to *Tadhkirat al-Mulūk*, the task of this office is described as follows:

The prerogatives of the charge entrusted (*muṭlaq*) to the *Ṣadr* are briefly as follows: Appointment of Islamic judges (*ḥākim-i sharʿ*) and managers of the Endowments of the class *tafvidī*, and the leadership... of all the [persons called] sayyid, 'ulamā, mudarris, shaykh al-Islām, pīsh namāz, qāḍī, mutavallī, ḥāfiẓ and the rest of the servants of sacred tombs, schools, mosques and shrines.... Under him are the vazīrs, the mushrifis and the mustaufis... of the Endowments, with the rest of the lower staff... of that department..., such as scribes, washers of the dead and gravediggers.... Briefly speaking the appointment and dismissal of the managers of the Endowments, if the latter are [of the class] *tafvidī*, belongs to the *Ṣadrs*, *khāṣṣ* and 'amma; if [however] they are [of the class] *sharʿī*, neither the *Sharīʿat* judges, nor the *Ṣadrs* have any right of interference with them, but whomever the founder of an endowment has legally... appointed manager (*mutavallī*) and proxy (*ṣāhib ikhtiyār*), he will be the manager, and changing him is contrary to the sacred and immaculate... *Sharīʿat*.⁴⁷

It should be added that the above account only reflects the official Safavid conception of the religious hierarchy. The formality concerning the leadership of the

⁴⁵'Allāma Ḥillī, *Tadhkira*, p. 441; Idem, *Taḥrīr*, p. 286.

⁴⁶Idem, *Tadhkira*, p. 441.

⁴⁷*Tadhkirat al-Mulūk*, ed. & trans. Vladimir Minorsky (London: E. J. W. Gibb Memorial Series, n.s. 16, 1943), pp. 42-43.

[persons called] sayyid, ulama, mudarris, shaykh al-Islam etc., must be examined in the face of the tradition of informality in Shi'ite Iran. However, it demonstrates the significance of the administration of the pious foundations in connection with the state. A slightly different definition of the office of *ṣadr* can be found in *ʿĀlamārā-yi ʿAbbāsī*. "The office of *ṣadr* is in charge of the well-being of the *sayyids* and beneficiaries of *khums*, by administering, registering pious foundations (*awqāf*) and disbursement of funds for religious learning."⁴⁸

The office of *ṣadr*, often occupied by the second rank of ulama, among other things, helped to finance a new urban middle class of Shi'is which in turn provided a strong network for the high-ranking *mujtahids*. The new class included preachers, reciters of religious tragedies, low level functionaries and seminarians. Many of these functionaries were the natural choice for administration of endowed properties, such as shrines and mosques. It is noteworthy that since the Safavid period, the Shi'ite ulama have benefitted from the state land grants and various emoluments in addition to the endowed properties. The biographies of the notable ulama mentioned in *ʿĀlamārā-yi ʿAbbāsī* indicate the number of Shi'ite ulama who joined the economic elite during this period.⁴⁹

After the fall of the Safavids (1135/1727), the intermediary role of the office of *ṣadr* disappeared and a number of the ulama immigrated to the ʿAtabāt where they consolidated their ties with the economic forces of the Shi'ite community regardless of state patronage. The renovation of the tombs in several shrines in the post-Safavid period indicates how successful the ulama were in raising enough endowments to

⁴⁸Turkamān, *Tārīkh-i ʿĀlamārā-yi ʿAbbāsī*, ed. Īraj Afshār, v. 1, c. 2, p. 144; Roger Savory, "The Safavid Administrative System", *The Cambridge History of Iran*, vol. 6, ed. P. Jackson (London; New York: Cambridge University Press), p. 369.

⁴⁹Ibid, 143-58.

support the maintenance of the shrines. By mid-thirteenth/nineteenth century, we can read the reports of the vast endowments administered by the grand *mujtahid* of Isfahan which the government of Muḥammad Shāh had confiscated by force.⁵⁰ The role played by Ḥujjat al-Islām Shafī in turning the learned institution into an economic power was enhanced through the newly extended relations with the artisan-merchant classes to which we now turn.

D. Bazaar and Mosque Ties

The reciprocal relation between the ulama and the Muslim professional classes (*aṣṇāf*), both merchant and artisan, appears to be a permanent feature of Islamic economic history since the rise of the institutions of learning in Islam. However, other intellectual segments of Muslim society, such as the Sufis and philosophers, attempted to compete with this connection between the ulama and the professional classes. The Sufis, over the centuries, had possessed the spiritual leadership of the Muslim middle classes of Iran and Anatolia by way of their *Ṭarīqa* orders and also by virtue of the *futuwwa* institutions. These institutions, which Hodgson described as "the most prominent channel for expressing lower-class interest in the towns,"⁵¹ had an important role in balancing the economic riches of different urban classes. Members of the merchant and artisan associations had their own methods of settling disputes which often complemented the religious (*sharʿī*) and governmental (*ʿurfī*) offices of administering justice.

The underlying theme of the *aṣṇāf* organizations was the Sufi spirit of affinity and that is what led Gibb to consider the guild association of the Muslim Middle Ages as "the greatest achievement of Sufism whose order succeeded in creating a religious

⁵⁰Humā Nāṭiq, *Irān dar Rāhyābi-yi Farhangī*, p. 58 and Muḥammad Riḍā Fiṣḥāhī, *Vāpasīn Jumbish* (Tehran: Javidān, 1356/1977), p. 38.

⁵¹Hodgson, *The Venture*, v. 2, p. 282.

organization parallel to the units of which Muslim society was composed."⁵² In a sense, the increased number of ethico-professional manuals (*futuvvat nāmas*) since the fifth/eleventh century illustrates the scope of such parallel development. It is of some interest that most of these manuals were written either in Persian or Turkish in spite of the fact that the juridical and official language of the time was normally Arabic.⁵³

The connection of the Shi'ite ulama with the professional classes may be seen most clearly in the growing reproduction of the legal parts of *fiqh* concerning the law of transactions.⁵⁴ The process of this reproduction found its way into the Persian language during the Safavid period when *Jāmi'-i 'Abbāsī* of Shaykh Bahā'ī and *Lawāmi'-i Šāhibqarānī* of Muḥammad Taqī Majlisī were written under the sponsorship of Shah 'Abbās I. It is remarkable that both Shaykh Bahā'ī and Majlisī the Elder were Sufi adherents who upheld the idea that there was "no difference between the mosque and the *khānaqāh*" and defended the presence of Sufism and mystical experiences next to "formal science" (*'ilm-i rasmi*), i.e. *fiqh*.⁵⁵ Nevertheless, the

⁵²H. A. R. Gibb, *Studies on the Civilization of Islam*, ed. Stanford J. Shaw and Richard Polk (Boston: Beacon Press, 1962), p. 216.

⁵³For example, Abū Ḥafṣ 'Umar al-Suhrawardī wrote two *Futuvvat Nāmas* in Persian in spite of the fact that his main work *'Awārif al-Ma'ārif* was written in Arabic. See Šarrāf, *Rasā'il-i Javānmardān*, pp. 90-165.

⁵⁴For example, the chapter on the administration of justice in Shaykh Mufid's *al-Muqni'a* appears to be addressed to a limited audience as he confined its application to the members of a few families because of the fear of jeopardizing the lives of Shi'is. Shaykh Ṭūsī, in contrast, addressed his account to a more general audience, and Shaykh 'Alī Karakī devoted the bulk of his *Jāmi'-al-Maqāṣid* to the law of transactions. See Mufid, *al-Muqni'a*, p. 129; Ṭūsī, *al-Nihāya*, v. 1, pp. 301-306; Karakī, *Jāmi'-al-Maqāṣid fi Sharḥ al-Qawā'id*, 15 vols (Qum: Āl al-Bayt, 1988+), particularly vols. 3-7.

⁵⁵Arjomand, *The Shadow of God*, p. 149; quoting Muḥammad Taqī Majlisī, *Risāla-yi Tashvīq-i Sālikīn*, printed together with *Risāla-yi Su'āl va Javāb* (Tabriz: Lithoprint, 1953), pp. 12-28.

Persian writings of Shaykh Bahā'ī and Majlisī the Younger among other things seem to aim at initiating a new kind of communication among Shi'is. Considering the fabulous work *Jawāhir al-'Uqūl*, one can see how close Majlisī was to the authors of *Abū Muslim Nāmas* and other fictional writings of Muslim middle classes.⁵⁶

The reign of Shāh 'Abbās I witnessed the beginning of a new round of competition of the popular *ṭarīqa* Sufism and juridical Shi'ism over securing the support of the government and professional (*aṣnāf*) classes. Both folk (*ghālī*) Shi'ism and popular *ṭarīqa* Sufism had already suffered the suppression of Ismā'īl and Ṭahmāsp. It was time to re-establish their positions in society. The appearance of a new series of *futuwwat nāmas*⁵⁷ and the choice of *Sulṭān al-'Ulamā'* as vizier⁵⁸ in this period highlights the renewed ties of the government and professional classes with Sufi and gnostic trends.

The reverse process started with the reign of Sulaymān (1666-94) and reached its peak under Shah Sulṭān Ḥusayn who allowed the ulama to take direct part in the suppression of Sufism. The ulama did not content themselves with the destruction of *khānaqāhs* or converting them into *takyas*, a place for passion plays, rather they began to expand their ties with the professional classes through popular religion. The Persian works of Majlisī the Younger on ritual sermons especially on *ziyārat* (visitation of tombs and shrines), *du'ā'* (prayer), *taḍarru'* (lamentation), and *munājāt* (supplication) mark a new direction for Shi'ite religiosity in which the ulama approximated popular religion. Amir Arjomand, comparing the number of pages devoted to *ḥajj* and *ziyārat*

⁵⁶See Muḥammad Bāqir Majlisī, *Jawāhir al-'Uqūl*.

⁵⁷E.g. see M Ṣarrāf, *Rasā'il-i Javānmardān*; and Sayyid Kāzīm Rūḥānī, "Aṣnāf va Pishavarān dar 'Aṣr-i Ṣafavī" *Kayhān-i Andīsha* 14(1987), pp.91-96.

⁵⁸See above Part I, Chapter Three.

in the writings of Kulaynī and Ṭūsī with that of Majlisī and Ḥurr ʿĀmilī indicates "the shift of emphasis in the relative importance" of the above rituals.⁵⁹

The writings of Majlisī, in fact, include parts of popular religion, especially elegies (*marāthī*),⁶⁰ into religious sciences. The popular eulogy of the Imams may go back as early as the writing of *Kitāb al-Ḥujja* in *al-Kāfī* by Kulaynī. However, it seems that the first extant documentation of the recitation of the merits and virtues of the Imams and commemoration of ʿAshūrā appeared in *Kitāb al-Naqd* by Qazvinī Rāzī.⁶¹

This recitation found its way into a series of popular Islamic epics such as *Abū Muslim Nāma*, a series of literary works connected with the Muslim artisan class.⁶² Thus, it is no surprise that the first known book on the religious tragedies, especially the martyrdom of Imam Ḥusayn, *Rawḍat al-Shuhadāʾ* (Garden of the Martyrs), was written by the same author who also wrote the best Persian work of *futuwwa*, i.e. *Futuvvat Nāma-yi Sulṭānī*.⁶³ This highlights the nature of the relationships between the sources which nourished the ritual basis of religiosity in Iran.

The work of Vāʿiẓ Kāshifī, who was only a Shiʿite sympathizer,⁶⁴ has little to do with Shiʿite clerical authority. But among the things which Majlisī expanded was the tendency to reciting religious tragedies aiming at consolidating the links between

⁵⁹Arjomand, *The Shadow of God*, p. 170.

⁶⁰Muḥammad Bāqir Majlisī, *Biḥār al-Anwār*, v.45., pp.242-294.

⁶¹Muḥammad Jaʿfar Maḥjūb, "The Evolution of Popular Eulogy of the Imams Among the Shiʿa," Trans. John Perez, in *Authority and Political Culture in Shiʿism*, ed. Amir Arjomand, pp. 55, 69.

⁶²See K.Rūḥānī, "Aṣnāf va Pishavarān dar ʿAṣr-i Ṣafavī", p. 93.

⁶³See Ḥusayn Vāʿiẓ Kāshifī Sabzavārī, *Futuvvat Nāma-yi Sulṭānī*, ed. M. J. Maḥjūb (Tehran: Bunyād Farhang, 1971), "Introduction," p. 96; see also Maḥjūb, "The Evolution...", p. 73.

⁶⁴Kāshifī Sabzavārī, *Futuvvat Nāma-yi Sulṭānī*, intro. p. 95.

the jurists and the professional classes by means of popular religion. By examining *‘Ayn al-Hayāt* in which Majlisī asked the hypothetical Sufi whether, in the Hereafter, he would make the Mullā-yi Rūmī or Muḥyi-al-Dīn (Ibn ‘Arabī) the intercessor (*shafī‘*), Amir Arjomand points out what Majlisī may have felt necessary to substitute for Sufi notions:

Once eschatology is made the cornerstone of orthodox religiosity, the intercession of the Imams is substituted for that of Sufi saints and the Imams are cast primarily into the role of otherworldly saviors and intercessors with God...⁶⁵

One important point in connection with this passage must be emphasized, the concurrence of the rituals, such as *ziyārat* and *ta‘ziya* (passion play), with the spiritual needs of Iranians who were somewhat deprived now from their Sufi saints and *khānaqāhs*. Mahmoud Ayoub delicately delineates the cordial message of rituals among Shi‘is:

No one can deny the far-reaching significance of these three main rituals (*hajj*, *ziyāra* and *ta‘ziya*) to the entire Muslim community. But we wish to argue here that the special rituals of the Shi‘i community, that is, the rituals of the *ta‘ziya* and *ziyāra* present an intensity of feeling and a total encompassing of time and space unparalleled in the general piety of Sunni Islam. In this sense, Shi‘i ritual gives Shi‘i piety a unique character in Islamic religiosity at any rate.⁶⁶

Although the psychology of *ziyārat* and *ta‘ziya* has its roots in the popular Shi‘ite piety, its ramifications were significant enough to strengthen the ties between the bazaar and mosque so that the professional classes appeared to be the principle director and financier of the popular religion by the late Safavid period.⁶⁷

⁶⁵Arjomand, *The Shadow of God*, pp. 170, 309.

⁶⁶Mahmoud Mostafa Ayoub, *Redemptive Suffering in Islam: A Study of the Devotional Aspects of ‘Āshūrā’ in Twelver Shi‘ism* (Paris and New York: The Hague, 1978), p. 277.

⁶⁷See Rūḥānī, "Aṣnāf va Pīshavarān dar Tārīkh-i Irān," p. 93.

The increased role of the professional classes in popular religion, since the Safavid period can be seen in the following channels: i) The professional classes arranged a body, called *hay'at-i 'azādārī* to organize commemorative gatherings and the procession during the month of Muḥarram when the martyrdom of Imam Ḥusayn is re-enacted.⁶⁸ This body, which usually meets in the *takya*, a public place now called *Husayniya*, raised funds to finance various kinds of Muḥarram processions including *rawḍa khwānī* (recitation of the tragedy of Muḥarram), *shabīh gardānī* (carrying the model of a shrine or couch), *zanjūr zanī* (self-flagellation with chains), and *jarīda kashī* (carrying a special pole decorated with swords, banners and other objects).⁶⁹ The prime beneficiaries of these Muḥarram processions have been second-rank mullās who, in their positions of *rawḍa khwān* and *vā'iz* (preacher) make their best income of the year during this period. Moreover, by publicizing the authority of a chief jurisconsult, they have made the *khums* income available to the high-ranking *mujtahid*.

ii) The professional classes both supported and benefitted from the ritual of *ziyārat* visitation of the tombs and shrines of the Imams and Imāmzāda (those descendent from the Imams) in each of the Shi'a populated cities. This visitation not only helped to finance other groups of adherents to the religious class, i.e., *nawḥa khwān* (mourner), *khuddām* (servants of the shrine) but consolidated the link between the professional classes and the ulama who continuously upheld the doctrine of *ziyārat*. Moreover, the livelihood of a large number of shopkeepers in the shrine cities depended on visitation of these cities because of the economic gains from the caravan loads of Shi'is performing pilgrimage to the shrines, especially those of Najaf and Karbalā.

⁶⁸Before the late Safavid era, the *aṣṇāf* had organized several socio-religious activities but not with the cooperation of the ulama, rather with the collaboration of Sufi and *futuwwa* orders. See *Idem*, p.75-79.

⁶⁹Moojan Momen has an interesting account of popular Shi'ism, most of which was practiced since the late Safavid period. See his *An Introduction*, p. 238-43.

iii) Closing the shops of the bazaar provided another channel for interaction between ulama and the professional classes since the late Safavid period. Suspension of work for different reasons is a universal phenomenon; nevertheless, closing the shops in the bazaar in modern Shi'ism was closely connected with religious sentiments as determined by the leading ulama. Since the late Safavid period, during a number of special dates and occasions (including the days commemorating the death of the prominent ulama) sympathy has been expressed by closing of all shops in the bazaar. Historically, the respective governments had assumed the prerogative of determining the dates when businesses would be closed.⁷⁰ During this time, it became a privilege of the ulama to specify the occasions on which the shops would be closed. It functioned as part of the prerequisite for the procession of Muḥarram and was also used for socio-political purposes during the Qajar period.

By virtue of the above mentioned connections, the ulama managed to maintain their economic strength during the post-Safavid period when the governments of Afghan, Afshar and Zand deprived them of the income derived from their endowed and granted properties. In fact, the new ties were more suited to the interests of the Shi'ite ulama and led to their economic independence. At the beginning of the twelfth/eighteenth century, when a considerable number of Persian ulama emigrated to 'Atabāt, the ritual of *ziyārat* and processions of Muḥarram were already so entrenched in ritual practice that they supported the livelihood of the new emigrants.

Some modern authors, emphasizing the increased ulama-*aṣṇāf* ties of this era, went so far as to assume that the Usuli re-emergence in 'Atabāt was a result of this connection. The following passage of Juan Cole indicates the role of the merchant

⁷⁰For example, in 352/963 the Buyid ruler Mu'izz al-Dawla closed the market of Baghdad on the day of 'Āshūrā. See Ayoub, *Redemptive Suffering*, p. 153.

connections in the rise of Muḥammad Bāqir Bihbihānī although some of its implications cannot be established historically.

Aqa Muḥammad Baqir had strong merchant contacts through his in-laws in Bihbihan and his half-brothers in Isfahan and Shiraz, important insofar as they might encourage merchant capitalists who came through Karbala to put charitable contributions in his hands and seek his rulings on commercial disputes. It is also possible that his sister-in-law's brothers in Bengal might have channeled charitable contributions from Indian notables to the shrine cities through him. Wealth was essential to the success of a great teacher, as he attracted students by providing them with stipends to live on. It was also indispensable in insuring that the gangster bosses were on his side.⁷¹

The increased ulama-*aṣṇāf* ties do not necessarily mean that the ulama became directly involved in mercantile business or joined the moneyed elite at this juncture. In fact, between the fall of the Safavids (1351/1722) and the middle of the reign of Fath 'Alī Shāh (1230/1814) we cannot find enough evidence to justify the use of the term landholder or merchant-ulama to the Shi'ite jurisconsults. Indeed, Bihbihānī and his pupils such as Kāshif al-Ghiṭā' and Baḥr al-'Ulūm received and monitored the collection of charities and the above-mentioned religious taxes, but our sources generally agree that the income was distributed accordingly and no one engaged in merchant activities or amassed large fortunes.

Nevertheless, during the reign of Fath 'Alī Shāh when the state's land grants and cash rewards (*pīshkashī*) to the ulama were resumed,⁷² we come across the names of ulama such as Ḥujjat al-Islam Shafī and Shaykh Muḥammad Taqī Baraghānī who accumulated wealth and were involved in commerce. Unlike Baraghānī who became rich by selling the State's granted land, Shafī used any possible Shar'ī pretext to accumulate wealth and to control the finances of Isfahan. Shafī, who believed in the

⁷¹Cole, "Shi'ī Clerics....," p. 20. The above view is more or less upheld by Abbas Amanat. See Amanat, "In Between....," pp. 98-133.

⁷²See Algar, *Religion and State*, pp. 45-72.

full application of the *sharī'a* by *mujtahids* during the occultation, put in practice what others only claimed on a doctrinal level. Algar describes his severity, piety and wealth as follows:

Apart from his imposing wealth, which seemed like a divine reward for his piety, and the influence gained through receiving and distributing *zakāt*, his supremacy in Isfahan had another source: his full and unhesitating exercise of the judicial functions of *mujtahid*. His teacher, Sayyid Muḥammad Bāqir Bihbihānī, had reasserted the function of *mujtahid*, and his judgments had been carried out by *mīrghadabs*. Ḥujjat ul-Islām was no less eager in pronouncing judgments and performing his duty of 'enjoining good and forbidding evil.' He composed a treatise on the necessity for applying the *sharī'at* during the occultation of the Imam, and undertook himself to inflict the prescribed penalties.⁷³

The entry of the ulama in the economic arena accelerated during the reign of Nāṣir al-Dīn Shāh (1265/1848-1304/1896) whose government invited more clerical cooperation in order to handle new ideological resurgences such as that of the Babis and modernists. This process of economic involvement, however, does not include the majority of the religious classes especially that of *marja's*. Almost all *marja's* and the majority of the high ranking ulama of the Qajar period remained thoroughly independent in their financial sources. Their financial strength rested on the traditional economic resources, i.e. revenues from *khums*, *zakāt*, *radd-i maẓālīm*, and *waqf* which were increased by instituting the rituals of *ziyārat* and the processions of Muḥarram.

⁷³Ibid, p. 63.

Chapter Three

The Establishment of The Institution of *Marja'-i Taqlid*

The office of *marja'-i taqlid* appeared as an institution in 1262/1846 when Shaykh Muḥammad Ḥasan Najafī (d. 1266/1850) was singled out as the sole source for emulation in the Shi'ite community. This year is particularly important not only because of the events concerning the fatal Shaykhi and Babi clashes over the true representation of the Imam's authority but because of the fact that the dominant Usuli current happened to be presided over by a single leader.¹ Najafī indeed, already embodied in himself the quality of being one of the most learned *mujtahids* who had built and financed his own network for teaching and delegating authority² without depending on the state bureaucratic patronage.³ However, it was his uncontested term of leadership after the deaths of Shaykh Ḥasan Kāshif al-Ghiṭā in Najaf and Sayyid Ibrāhīm Mūsavī Qazvinī in Karbalā during 1262/1846⁴ which qualified him for the title "absolute" (*muṭlaq*) or "full-fledged" (*tāmm*) *marja'*.

¹This leadership, of course, had no explicit expression as we will discuss in Chapter Four (Part Two) of this study. Terms such as "leadership" and "presided over", therefore, should be considered in the light of the "tradition of informality" in the Shi'ite community.

²See Muḥammad Mahdī Kahnumū'ī Kashmīrī, *Nujūm al-Samā'* (Qum: Baṣīratī, 1396/1976), p. 76. Also, Abdurrahīm 'Aqīqī Bakhshāyishī, *Fuqahā-yi Nāmdār-i Shī'a* (Qum: Mar'ashī, 1405/1985), p. 312.

³Independence from state patronage is a major characteristic of the *marja'īyat* in question which differentiated it from the Safavid learned institutions. See below, Chapter Four.

⁴According to the contemporary Muḥammad Bāqir Khwānsārī, Sayyid Ibrāhīm Qazvinī passed away in Shawwāl 1262/Oct. 1846 and Shaykh Ḥasan in the following month. These events were immediately preceded by the death of Ḥujjat al-Islām Shaftī and Sayyid Mahdī Ṭabāṭabā'ī in 1260/1843. Khwānsārī, *Rawḍāt*, v. 2, pp. 304-308.

This aspect of Shaykh Muḥammad Ḥasan's leadership was expressed in various ways by his biographers and contemporary authors. Nevertheless, the question one may pose here is what was really meant by *tāmma* or complete and general *marjaʿiyyat*? Did it mean the all-inclusive totality of the Shiʿite community? Or did it particularly emphasize the concurrence of other ulama with the authority of a supreme *marjaʿ*? Since the *marjaʿiyyat* was established on the basis of practical concerns rather than juridical analysis, a brief survey of the major biographical works may give us a better idea about these questions. Khwānsārī applied *tāmma* first to the comprehensive knowledge of Shaykh Muḥammad Ḥasan; later he emphasized his leadership over the Arabs and Iranians.⁵ Tunakābunī stated that the leadership of the Shiʿis was passed on to him after Ḥujjat al-Islam Shafī and Sayyid Ibrāhīm Qazvīnī.⁶ Another contemporary, Kashmīrī stated that he was not in competition with any Arab or Persian *mujtahid*; on the contrary all accepted his superiority.⁷ Khiyābānī and Tihirānī reconfirmed the unique position of Shaykh Muḥammad Ḥasan. Tihirānī added that all contemporary ulama considered him superior and the most advanced in learning.⁸

Tihirānī's last point gives enough indication that the issue of the complete *marjaʿ* was a question relating to the leadership of such a *marjaʿ* over other *mujtahids*. In fact, the concurrence of the same ulama, as we will see, plays a major role in designating a candidate to the position of *marjaʿ*. From the juridical point of view, the superiority of a *marjaʿ* can be realized by the certification of two just and well-informed Muslims. In practice, however, we find no *marjaʿ* who established his position on the basis of

⁵Ibid.

⁶Tunakābunī, *Qiṣaṣ*, p. 103.

⁷Kashmīrī, *Nujūm*, p. 73.

⁸Mudarris Khiyābānī, *Rayḥāna*, v.3, p. 357; Tihirānī, *Ṭabaqāt*, v.2, p. 311.

merely fulfilling the qualifications of witness testimony. Some authors have tended to place emphasis on the free choice of *marja'* by a follower (*muqallid*) to the extent of claiming that the "*marja'* is in effect the willing dependent of the *muqallid*."⁹ This should not obscure the fact that this choice must be made by well-informed and expert members of the community.¹⁰ Consequently, the above statement does not mean that the common followers can directly qualify a *marja'* or choose any *mujtahid* without the latter being acknowledged by the generality of the ulama for such a position. This acknowledgement involves a concurrence which is called *mutābi'at* (conscious following) through which the generality (i.e. an informal and unidentified majority) of the ulama concurred and followed the general rulings of a senior learned *mujtahid* as their *marja'*. This is, in fact, the last step in the refinement of the new *marja'*. We, therefore, focus on this problem first and then we will deal with the single or collective leaderships of *marja'*s.

A. The Informal Concurrence of the Ulama

In Shi'ism, the doctrine of consensus (*ijmā'*) was virtually ineffective in establishing a juridical ruling. Nevertheless, one part of this doctrine, i.e., the conscious following (*mutābi'at*) of the prevalent opinion (*qawl-i mashhūr*) or the opinion of a superior *mujtahid* was instrumental in consolidating the consultative juristic authority in the thirteenth/nineteenth century. There was insufficient support for the principle of consensus to flourish during the Safavid period. Shaykh Ḥasan 'Āmilī not only confined the legality of *ijmā'* to exclusive cases where it includes the word of the

⁹Amanat, "In Between...", p. 101.

¹⁰Muḥammad Kāzīm Ṭabāṭabā'ī al-Yazdī, *al-'Urwa 7-Wuthqā* (Tehran: Dār al-Kutub al-Islāmiya, n.d.), p. 4.

Imam,¹¹ but he also tended to undermine the validity of the practice of following a prevalent view by stating that most of these views were originally presented by Shaykh Ṭūsī and later ulama assumed them as prevalent opinions.¹² Mīrzā Abū'l-Qāsim Qummī (d.1231/1815), one of the most Usuli-minded pupils of Bihbihānī, re-established the principle of *mutābi'at* both in doctrine and in practice. He excluded the necessity of the presence of the Imam by holding that the very consensus of a number of ulama would be demonstrative (*kāshif*) of the implied word and consent of the Imam.¹³ Qummī upheld the validity of *shuhra* (fame) and conscious following of the prevalent view refuting the author of *Ma'ālim al-Uṣūl* for ignoring the fact that Shaykh Ṭūsī had expressed various views in each one of his books. Because of Ṭūsī's tendency to cite the conflicting views he cannot be the source of generating the prevalent views in Shi'ī jurisprudence unless the prevalent view was explicitly maintained by later ulama.¹⁴

Qummī considered *mutābi'at* as a concomitant component of *ijmā'* and based its validity on the Qur'anic verse, 4:115 "As for the one who opposes the messenger, after the guidance has been pointed out to him, and follows other than the believers' way, we will direct him in the direction he has chosen, and commit him to Hell; what a miserable destiny." Qummī concluded that "believers' way" (*sabīl al-mu'minīn*) by itself constitutes a positive practice and whoever discards it deviates from the practice of *mutābi'at*.¹⁵ In order to secure the occurrence of such a consensus and *mutābi'at*, Qummī upheld Bihbihānī's doctrine that "general knowledge" (*al-'ilm al-ijmālī*) is

¹¹Āmilī, *Ma'ālim al-Uṣūl*, p. 200.

¹²Ibid., p. 204.

¹³Mīrzā Abū'l-Qāsim al-Qummī, *Qawānīn al-Uṣūl* (Tehran: Lithograph, 1378/1958), pp. 356, 373.

¹⁴Ibid., p. 374.

¹⁵Ibid., p. 361.

sufficient and reconfirmed it by quoting 'Allāma Hillī, "we take the consensus of the community as perceptual knowledge (*al-ilm al-wijdānī*)."¹⁶ According to Qummī, having a full and detailed knowledge of the words of the ulama, and even of the Imam, would nullify the use of the consensus.¹⁷

It is noteworthy that Qummī did not allow a *mujtahid* to prevent referral to another *mujtahid* because of the latter's juridical mistakes. He preferred the freedom (*tarkhīṣ*) in the choice of *mujtahid* rather than employing the principle of promoting good and preventing evil.¹⁸ It is evident that one of the things which resulted from the emergence of the above principle of *tarkhīṣ*, and its subsequent application to the choice of *marja'*, was that it facilitated the consolidation of the *mujtahids'* position by preventing internal antagonism among the ulama. Nevertheless, the alternation of *mujtahids*, in cases wherein a more learned candidate is found, was adopted by the later authors.¹⁹

Against this background, we see that the consolidation of the authority of the ulama entered a new phase with the Uṣūlī *mujtahids* of the early Qajar period. Redefining the principles of consensus and *mutābi'at* in a new form seems to have provided the ulama with more juristic bases for the necessity of the coordinating efforts. The same Mīrzā-yi Qummī directly applied the principle of *mutābi'at* to the position of *marja'* as the source of emulation. The following passage appears to be the oldest juridical analysis of the role of *marja'* and his binding pronouncements as far as we

¹⁶Ibid., p. 370.

¹⁷Qummī, *Qawānīn*, p. 361.

¹⁸Ibid., p. 384.

¹⁹Yazdī, *al-Urwa l-Wuthqā*, p. 4.

have been able to investigate. This passage was included in a personal letter by Qummī addressed to Mullā ‘Alī Nūrī in 1227/1812.

Nūrī, who was considered the best exponent and promoter of the theosophical thought of Mullā Ṣadrā in Iran,²⁰ took the initiative in choosing a particular *mujtahid* to follow in matters of religion although he, himself, was an indisputable *mujtahid* as well as theosopher.²¹ He chose Qummī²² as the *mujtahid* he would refer to in matters concerning specific legal and ritual observances. In a cordial and friendly letter, Nūrī put forth the problem which he faced regarding his prayers. This letter which was quoted by Tunakābūnī may be summarized as follows:

Twenty years ago, when I was studying under Āqā Sayyid Ḥasan in Qazvin, he advised me to recite the tetrad rosary (*tasbīḥāt-i arba‘a*) instead of the first sura in my advisable (*mustaḥabb*) prayers. Because of my good faith in him, I rendered my prayers in accord with his opinion. I continued in this fashion even when I had an audience with the Reviver of the tradition of the religious gnostics, Āqā Muḥammad Bīdābādī.²³ Bīdābādī, too, advised me to continue prudent practices since we had no better way during the occultation of the Imam from the

²⁰See above Part One, Chapter Two.

²¹Mullā ‘Alī Nūrī’s attitude to the orthodox ulama on the one hand can be seen as the ultimate relinquishment of the mystical and philosophic currents in favor of the growing supremacy of the *mujtahids*, and on the other hand, it was a delicate compromise which aimed at securing the survival of the transmission of theosophic texts through the curriculum which designated that they were to be taught along with legal and ritual texts of *fiqh*. However, it is apparent from our sources that Nūrī was extremely precautionous in order to avoid any possible excommunication. In fact, Tunakābūnī speaks about Nūrī’s rumored excommunication by the same Qummī, who rejected the idea of issuing the *fatwā* of excommunication when Nūrī approached Qummī and inquired how he should correct his belief. See Tunakābūnī, *Qīṣaṣ*, p. 183). Nūrī’s uneasy relationship with the folk Sufis confirms his prudent behaviour. See above Part One, Chapter Two.

²²After the death of Qummī in 1231/1815, Nūrī chose his former student, Ḥujjat al-Islām Shafī, as his model in religious matters. See Tunakābūnī, *Qīṣaṣ*, p. 150.

²³Muḥammad b. Muḥammad Rafī‘ Bīdābādī (d. 1198/1783) was essential in transmitting the philosophy of Mullā Ṣadrā to a newer generation. Nūrī, by praising him as *Muḥīy marāṣim al-‘urafā’ al-mutasharri‘in* has given Bīdābādī a title to which he was more suited. See Tunakābūnī, *Qīṣaṣ*, p. 154.

community. However, recently, I realized that the principle of prudence requires the opposite of what I used to practice. I consulted your book, *Murshid al-ʿAwāmm*, and I found that you have made it clear that *tasbiḥāt* were not permissible in this manner. Thus, I see no way but to redo all my advisable prayers.²⁴

The response of Qummī contains a technical Usuli discussion within which he demonstrated his pragmatic approach to *fiqh*. He repudiated the principle of prudence by stating that *iḥtiyāʿ* means nothing but the reapplication of speculative reasoning (*ẓann al-ijtihādī*) and he argued that God, the Most High said, "God does not wish to make the religion difficult for you" (5:6), and that this was also emphasized by the Prophet in his statement, "Islam is generous and easy to perform." The principle of prudence, according to Qummī requires more hardship and is a waste of time.²⁵

A learned jurist like you cannot spend his time redoing his prayers under the pretext of *iḥtiyāʿ* since your time is needed, perhaps it is necessary for teaching and administering the juristic affairs of the people.²⁶

...The proof of God, after the Imams is the so called *mujtahid* who can infer God's ruling from the proper sources. Thus the obligation lies in seeking a qualified *mujtahid*. If one knew that he should seek a *mujtahid* and failed to do so, he must redo his religious rituals. But if he sought a *mujtahid* and followed his opinion, he would not be considered responsible in my mind....According to the Imami principles, it is not allowed to overload a Muslim with various duties which he cannot fulfill....To sum up, the choice of *marjaʿ* and resort (*milādh*) during the absence of the Imam is verily a topic of *kalām* theology as is the certainty in the Imam. It is not a problem of *fiqh* or *uṣūl al-fiqh*. Both revelation and intellect testify that *marjaʿ* is a learned jurist who is able to infer religious ordinances from the sources. If one understands this and still contents oneself with what his parents or school teachers said, he would certainly be responsible.... In your case, I think you could be excused if you had no idea of having possible access to a superior *mujtahid*; and in your mind, he was pronouncing God's ordinance even though in reality he was wrong or was not qualified enough to give legal opinion at all. Your shortcoming, thus is not in performance of prayer, rather it is in your choice of *marjaʿ*. If you generalize this case and

²⁴Ibid., pp. 152-54.

²⁵Ibid., p. 159.

²⁶Ibid.

include the public interest, you would see that the problem rests on finding a true and superior *mujtahid*.²⁷

In the above manner, we see that 35 years before the advent of the sole *marjaʿ*, the necessity of choosing a superior *mujtahid*, and the category to which the problem of *marjaʿiyyat* belongs, i.e., *kalām* theology, was discussed by a strict Usuli jurist who also defended the legality of the concurrence of the generality of the ulama. Qummī's account of *marjaʿiyyat* demonstrates that the juridical process was an attempt to introduce a supreme religious authority during the absence of the Imam from the community. The *esprit de corps* among the Usuli ulama can be seen in their increased reference to the two famous traditions of Ibn Ḥanzala and Ibn Khadīja which referred the people to the ulama during the occultation for solving religious issues. We already mentioned Mullā Muḥammad Jaʿfar Astarābādī who accepted the juridical denouncement of Aḥsāʾī by the senior *mujtahid* Sayyid Mahdī Ṭabāṭabāʾī by employing the tradition of Ibn Ḥanzala.²⁸

Another incident which demonstrated the obligation of referring to the authority of *marjaʿ* is the answer of the *mujtahid* of Kirmān to the Bab's call for allegiance. This *mujtahid* (Ḥajj Aḥmad Āqā) said to the Bab's envoy: "I have no full-fledged *marjaʿiyyat* (*tāmma*). There are superior *mujtahids* in ʿAtabāt whom I follow. If they justify the Bab's claim, I would naturally follow them."²⁹ This indicates the growing tendency towards a more centralized religious authority which was needed to face the new confrontations posed by Shaykhis and Babis. The local *mujtahids* began to look to the ʿAtabāt for the ultimate authority to pronounce religious rulings which facilitated achieving a concurrence of the generality of the ulama.

²⁷Ibid., p. 162.

²⁸See above Part One, Chapter Four.

²⁹ Chārdihī, *Shaykhgari*, pp. 136, 158; quoting from *Bihjat al-Šudūr* by Mīrzā ʿAlī Iṣfahānī.

B. Collective and Individual Leadership

Since the thirteenth/nineteenth century, the learned hierarchy of the Shi'ite ulama established an informal structure of authority which was alternately presided over by collective and individual leadership of the emerging institution of *marja'-i taqlid*. The presence of Bihbihānī as the sole authority was followed by two generations of collective leadership found in his direct and indirect pupils during which the concept of *marja'iyat* ³⁰ was formulated but had not manifested itself until it was singled out by Shaykh Muḥammad Ḥasan Najafī and later formally established by the designation of Shaykh Murtaḍā Anṣārī.

The triumphant Usuli school benefitted from the growth of ritual processions which attracted *khums* payers to the Shrine cities. The 'Atabāt also enjoyed relative stability following an agreement between the Ottoman and Iranian authorities in 1241/1825 which facilitated the journey to the Shrine cities. This encouraged *khums* payers to regard the ulama of the 'Atabāt as the most legitimate receivers of the Imam's shares. According to Ayatollah Muṭahharī, the very concentration of the payment of the Imam's shares from the various cities in the 'Atabāt strengthened the clerical organization in Shi'ism.³¹ When the collection of the three shares of the Imam became a customary prerogative of the *mujtahids* of 'Atabāt, the Shi'ite ulama could overcome at least the geographical diversity of their informal hierarchy. The internal dissension, to borrow Calmard's word,³² had never been solved but was compromised and maintained by either the collective or individual leadership until the present time.

³⁰I.e., In its specific sense, as we discussed with regard to the writings of Mīrzā-yi Qummī.

³¹Muṭahharī, *Baḥthī*, p. 180.

³²Calmard, "Marja'-i Taklīd...", p. 550.



After the death of Bihbihānī in 1205/1790, the Shi'ite community of Iranian and 'Atabāt cities, for the first time, was spiritually led by a number of Usuli ulama who manifested solidarity rather than their traditional dissension. This is what Abbas Amanat describes as the "old boy solidarity".

By the second decade of the (nineteenth) century, the emergence of a new generation of *mujtahids* made some kind of collective leadership desirable. The *mujtahids* such as... created a vast network of jurists who boasted their years of study under Najafī teachers and held a sense of "old boy" solidarity.³³

Among the students of Bihbihānī, only Mullā Mahdī Narāqī (d. 1209/1794) had a philosophical orientation rather than a purely Usuli tendency. The rest of Bihbihānī's pupils upheld a unique Usuli approach with little difference in minor cases of jurisprudence, especially the following five leading *mujtahids* : Sayyid Mahdī Baḥr al-'Ulūm (d. 1212/1797) in Najaf, Sayyid Mahdī Shahrastānī (d. 1216/1801) in Karbalā, Shaykh Ja'far Kāshif al-Ghiṭā' (d. 1228/1813) in Najaf, Sayyid 'Alī Ṭabāṭabā'ī (d. 1231/1815) in Karbalā, and Abū'l- Qāsim Qummī (d. 1231/1815) in Qum. Except for Baḥr al-'Ulūm, all of the above mentioned scholars were against the study of theology (*kalām*), philosophy and mysticism and adopted a strict Usuli approach to religious matters. Baḥr al-'Ulūm studied some of the above intellectual (*ma'qūl*) sciences while maintaining the Usuli approach in jurisprudence. Nevertheless, the integrity of the ulama mentioned above, played a decisive role in both the victory of the Usuli school and the establishment of *marja'īyat*. If Bihbihānī was designated as an "epoch maker" (*mujaddid*), the collective leadership of the above *mujtahids* should be considered as the first embodiment of the rudiments of the institution of *marja'īyat* in its specific sense. Shaykh Ja'far Kāshif al-Ghiṭā' and Abū'l- Qāsim Qummī were, in fact,



³³Amanat, "In Between...", p. 106.

addressed by the titles *nā'ib-i Imām* and *marja'* not only by the contemporary king Fath 'Alī Shāh but also by their students.³⁴

By collective leadership, we mean the sense of solidarity and integrity of the above ulama. This sense was in contrast to the doctrine promoted by the Akhbaris, Sufis and Shaykhis as we saw in Part I of this study. Had this not been the case, a formal collective would never have been able to function since most of the above *mujtahids* lived in different cities with different numbers of participants in this collective leadership. In fact, the essential component of this collectivity lies, again, on the same informal concurrence.

Congruent with the decline of the above ulama, a new generation of *mujtahids* which were within the same category and primarily descendent from the same families emerged collectively at the head of the Shi'ite hierarchy. At different times, the following *mujtahids* were considered the supreme *mujtahids*: Sayyid Muḥammad Ṭabāṭabā'ī (d.1241/1825) in Karbalā, Mullā Aḥmad Narāqī (d.1245/1829) in Kāshān, Shaykh Mūsā (d.1243/1827) and Shaykh Ḥasan (d.1262/1846) Kāshif al-Ghiṭā' in Najaf, Ḥujjat al-Islām Shafī'ī (d.1260/1844) in Isfahan, Sayyid Mahdī Ṭabāṭabā'ī (d.1260/1844), and Sayyid Ibrāhīm Qazvīnī (d. 1262/1845) in Karbalā. Each of these *mujtahids* acquired a leading status because of their scholarly works in addition to their family or juridical prominence. Sayyid Muḥammad Ṭabāṭabā'ī, the grandson of Bihbihānī, became prominent particularly for his role in declaring *jihād* during the second Perso-Russian war (1826-1828) although his teaching reputation was also significant.

Mullā Aḥmad Narāqī combined knowledge of jurisprudence with literary and ethical writings; however, his reputation is due to his command of jurisprudence and

³⁴Davānī, *Vahīd-i Bihbihānī*, pp. 257-64.

Usuli analysis. Shaykh Mūsā and Shaykh Ḥasan Kāshif al-Ghiṭā' were especially popular among Shi'ite Arabs of Iraq. Ḥujjat al-Islam Shafū's efficient execution of the religious affairs of Isfahan not only made him a center of authority for Iranians and some Indians but indicates his great ambition which went beyond the scope of *marja'iyat*. We already mentioned Shafū's connection with the professional classes,³⁵ we will also reconsider the political implications of his activities in the fourth chapter of this part of the study. Sayyid Maḥdī Ṭabāṭabā'ī, another grandson of Bihbihānī, found his leading popularity mainly through his family connections and piety as well as in his role during the Shaykhi trial. Sayyid Ibrāhīm Qazvīnī's public recognition is due to his Usuli work *Dawābiṭ al-Uṣūl* and his teaching ability.

Next to the above leading *mujtahids*, we should mention another eight high-ranking contemporaneous ulama, none of whom, for different reasons, were considered as *marja'*: Mulla 'Alī Nūrī, Muḥammad Sharīf Māzandarānī (Sharīf al-'Ulamā'), Muḥammad Ibrāhīm Kalbāsī, Shaykh 'Alī Kāshif al-Ghiṭā', Mullā Ḥādī Sabzavārī, Muḥammad Ja'far Astarābādī, Muḥammad Taqī Baraghānī and Mullā 'Abd al-Wahhāb Qazvīnī. These ulama either did not want or could not, for one reason or another, assume a prominent part in the collective leadership of the chiefs.³⁶

In 1262/1846, Shaykh Muḥammad Ḥasan Najafī singled out all six contemporary chief *mujtahids* and five out of the eight second ranking ulama.³⁷ In all of the shrine cities of 'Aṭabāt, Qum and Isfahan, he was uncontested by any *mujtahid* who was equal to his prestige, teaching and financing abilities. The ulama of Tehran

³⁵See Part One, Chapter Two.

³⁶Most Shi'ite biographers tend to characterize the position of the above leading ulama as chiefs (*ra'īs*) rather than "*marja'*" or both together.

³⁷Le., Second ranking as far as the status of *marja'* is concerned. Otherwise, e.g., Mullā Ḥādī Sabzavārī cannot be considered second ranking compared to any of the above mentioned jurists.

(Astarābādī) and Qazvin (Baraghānīs) and Mullā ʿAbd al-Wahhāb did not have a teaching and financial network of their own. Mullā Hādī, having a theosophical orientation, could not fit into the hierarchy of Usuli jurisprudence even if he had wanted to join their ranks. The immediate effect of Shaykh Muḥammad Ḥasan's *marjaʿīyat* seems to have been that the Shiʿite community became conscious of the existence of a new learned hierarchy which could not be manifested because of the collective presence of the ulama at the apex of this hierarchy. This awareness, in turn, contributed to the emergence of a more solid and expanded leadership as was displayed in Shaykh Muḥammad Ḥasan's and Shaykh Anṣārī's financial networks and system of delegation. The *marjaʿīyat*, henceforth, appeared as an institution rather than a personal office of the chief *mujtahid*'s network. The way in which Najafī consolidated the various Shiʿite centers and introduced a capable successor (Anṣārī) for his position, indicates that he was aware of the institutional functions which devolved upon the *marjaʿīyat*.

Shaykh Muḥammad Ḥasan was born in Najaf of an Isfahānī family in 1202/1787.³⁸ He studied under Shaykh Jaʿfar and his son Shaykh Mūsā Kāshif al-Ghiṭā, Sayyid Jawād ʿĀmilī and Shaykh Aḥmad Aḥsāʾī from whom he obtained the license for quoting traditions and performing *ijtihād*. While studying under Shaykh Jaʿfar, he began writing his encyclopaedic work, *Jawāhir al-Kalām*, which he finished in 1254/1838.³⁹ This work gained widespread recognition because of its comprehensive and mild Usuli character which was suitable for various expectations. *Jawāhir al-Kalām* combines Akhbari achievements of the new traditionalist interpretation—as depicted in Baḥrānī's *al-Ḥadāʾiq*—with the Usuli rational arguments as manifested in Narāqī's *Mustanad al-Shiʿa*.

³⁸Tihrānī, *Ṭabaqāt*, v.2., p. 311.

³⁹Ibid.

In spite of the fact that Aḥsā'ī was his teacher, Najafī did not hesitate to condemn Shaykhis especially after the death of Aḥsā'ī. He not only gave a *fatwā* denouncing Shaykhis but fought against any dubious interpretation of the religious texts. He even ordered the temporary removal of a special prayer for visitation (*ziyāratnāma*) posted on the gate of the shrine in Najaf. This prayer addresses Imam 'Alī as: "O, he who is the station of grace and consolation."⁴⁰ Najafī evidently did not want to leave room for any statement concerning the stages for inspiration. This incident occurred before 1259/1843 when Najafī was not the sole *marja'* of the Shi'is. According to Babi sources, Najafī played a major role in expelling the Bab's emissary from Najaf in the summer of 1260/1844. "An unexpected alliance of the ulama of Najaf and Karbalā under the influence of Shaykh Muḥammad Ḥasan, also denounced the new movement."⁴¹

Shaykh Muḥammad Ḥasan Najafī, perhaps because he was the sole authority at the top of the Shi'ite hierarchy, was more conscious than previous leaders of his responsibilities and started to delegate his authority to his students or the local ulama in a manner which was unprecedented in Shi'ite history. Najafī, however, differentiated between delegating his authority for administration of justice and giving the permission of *ijtihād*. When the contemporary Muḥammad Shāh criticized him of turning Najaf into a factory for producing *mujtahids*, Najafī is quoted to have emphasized the necessity of such delegation.⁴² A number of local ulama had been receiving their shares of alms on the authority of the *marja'* who delegated his authority to them.⁴³ This new

⁴⁰Tunakābunī, *Qiṣaṣ*, p. 58.

⁴¹Amanat, *Resurrection*, p. 219.

⁴²See Tihrānī, *Ṭabaqāt*, v. 1, no. 3, p. 1205.

⁴³See Jannāṭī, "Sayr-i Tārikhī...", pp. 25-27. Those local ulama who did not have a delegated authority also benefited from the seasonal payments to the *marja'*. We know

process closely tied the interests of the local ulama with the *marja'* because it led to better communication between the two parties. We have evidence which indicates that Najafī refused to accept alms from cities where he had assigned a deputy. He sent 30,000 Bishlak back to Baghdad where his former student Āl Yāsīn represented him.⁴⁴

Another element which contributed to the establishment of the institution of *marja'iyat* was the regular payment of the stipends for the students. We know that it was a universal principle in Islamic institutions of learning that the master or teacher of such an institution was responsible for, at least, part of the cost of the student's maintenance in the school. In the Sufi tradition, we find many instances wherein the living expenses and spiritual training of the students were left to the master of the *khānaqāh*.⁴⁵ In Shi'ism, we know that the tradition of salary or regular payments existed since the time of Sayyid Murtaḍā.⁴⁶ The Shi'ite ulama derived their income for financing their teaching centers primarily from the state grants⁴⁷ and pious endowments. These sources of income, however, did not constitute an independent and stable income for the ulama. During the late Safavid period and thereafter, the development of *muḥarram* processions and the shrine pilgrimages provided such resources for the

that it was a policy of all *marja's* to serve the interest and reputation of of the local ulama.

⁴⁴ Aqīqī Bakhshāyishī, *Fuqahā*, p. 315.

⁴⁵ For a brief discussion of the *khānaqāh* and its financial situation, see S. Trimmingham, *The Sufi Orders of Islam*, pp. 170-72; Donald P. Little, "The Nature of Khānaqāhs, Ribāṭs and Zāwiyas under the Mamlūks", *Islamic Studies Presented to Charles Adams*, editors: W. Hallaq and D. Little (Leiden, New York: E.J. Brill, 1991), pp. 91-107; Muḥsin Kiyānī, *Tārīkh-i Khānaqāh dar Irān* (Tehran: Ṭahūrī, 1990), pp. 271-322 & 340.

⁴⁶ It is reported that Shaykh Ṭūsī received the highest stipends among the students of Murtaḍā. See Murtaḍā, *al-Dharī'a*, introduction by A. Gurgī, p. 110.

⁴⁷ Before the Safavid period, the Shi'ite ulama benefited from the state grants made by the Buyids and Ilkhanids to the Shi'ite centers of Baghdad and Hilla. For the Safavid period see above, Part Two, Chapter Two.

mujtahids especially those in ‘*Atabāt*.⁴⁸ Acquisition of this financial independence was one of the motives which brought some eminent local jurists such as Bihbihānī and Anṣārī back to ‘*Atabāt*. No doubt, the ‘*Atabāt* ulama were now in a better position to finance their teaching centers. Nevertheless, we have no evidence of any systematic payment of the stipends from other cities before Najafī. The absence of any high ranking *mujtahid* in Karbalā put Najafī in the position of taking direct charge of the financial necessities of a large number of students in the three shrine cities of ‘*Atabāt*. This resulted in a heightened consciousness of the vast authority of the *marjaʿ* as well as the solidarity which issued from the *mujtahid-muqallid* relationship.

The presence of a sole *marjaʿ* at the top of the Shiʿite hierarchy continued after Najafī who, on his death bed, introduced Anṣārī as the next supreme exemplar. The selection of the fifty-two year old Anṣārī, known for his scholarly endeavors, indicates the absence of any other *mujtahid* in the ‘*Atabāt* with a reputation or influence which could compete with that of Anṣārī. This can be confirmed by the fact that Anṣārī, too, did not see any potential competitor for his position in the ‘*Atabāt* and invited Saʿīd al-‘Ulamāʾ from northern Iran to come to Najaf and to share the responsibility of *marjaʿīyat*.⁴⁹

Shaykh Murtaḍā Anṣārī was born in Dizful in 1214/1799 and studied under Sharīf al-‘Ulamāʾ Māzandarānī in Karbalā, Mulla Aḥmad Narāqī in Kāshān, Shaykh Mūsā and Shaykh ‘Alī Kāshif al-Ghiṭāʾ in Najaf. Unlike Najafī, Anṣārī did not engage in issuing *fatwās* on Shaykhī or Babi questions. His reputation was based on his piety, teaching ability and scholarly writings. By consistent application of the four Usuli principles of (*al-uṣūl al-‘amaliyya*), he provided a new analytical dimension to the

⁴⁸See Part Two, Chapter Two.

⁴⁹Murtaḍā Anṣārī, *Zindagānī*, p. 74.

discourse about *fiqh*. Anṣārī's analytic approach equipped the dominant Usuli trend with a much-needed rationality which attracted the sympathy of some Modernist forces in the following period. Anṣārī's presentation of *fiqh* and *uṣūl* prevailed in the juridical teaching system and became a hidden source of Usuli strength in the lively and on-going struggle against the Shakhis, Sufis and now the Babis.

In addition to his knowledge and piety, Anṣārī proved to be endowed with a fair and just character which was the third prerequisite for a *marjaʿ*. His aversion to the accumulation of wealth which is demonstrated by his practice of immediately distributing bequests to the needy and students of religion is among the other personal features which prompted some of the later authors⁵⁰ to include this characteristic among the qualifications for the *marjaʿ*.

Anṣārī's sole leadership of the Shiʿite hierarchy from 1266/1849 to 1281/1864 set a new record of universal recognition and charitable funds flowed to Najaf although he remained completely aloof from political and controversial matters. Despite his refusal to become involved in politics, he maintained a variety of spiritual, juridical and financial connections with the different classes of his Shiʿi followers and thereby expanded the system of delegation and finance practiced by Najafī. Anṣārī, perhaps more than Ḥujjat al-Islām Shafīʿi made funds available to the Shiʿite hierarchy but reportedly "his lifestyle was that of the poor and, at his death, he left only 70 Qarān (£3.00 approx.)."⁵¹

Anṣārī did not introduce a successor to his position although he was well aware of the capability of his students. Anṣārī might have preferred the practice of free choice (*tarkhiṣ*) in selecting a *marjaʿ* as we saw in the passage of Mīrzā-yi Qummī. After the

⁵⁰Yazdī, *al-ʿUrwaʾ l-Wuthqā*, p. 4.

⁵¹Momen, *An Introduction*, p. 311.

death of Anṣārī, no single jurisconsult immediately assumed his position. For a period of at least ten years, the Shi'ite leadership was divided between Mīrzā Ḥasan Shīrāzī, Mīrzā Ḥabībullah Rashū (d. 1312/1894) and Sayyid Ḥusayn Kūhkamara'ī (d. 1291/1874). Only after the death of Kūhkamara'ī and surrender of Rashū did Shīrāzī emerge as the sole supreme source of emulation for a period of twenty-one years. In 1297/1879, Shīrāzī's celebrated *fatwā* concerning the Tobacco Concession proved that the institution of *marja'īyat* could play a significant part in political matters despite the customary reluctance on the part of the *marja'* to become embroiled in politics.

After the death of Shīrāzī, the following five *mujtahids* shared the leadership of the Shi'ite hierarchy: Mullā Muḥammad, known as Faḍil Sharabiyānī (d. 1322/1904), Shaykh Muḥammad Ḥasan Mamaqānī (d. 1323/1905), Mīrzā Ḥusayn Tīhrānī (d. 1326/1908), Mullā Muḥammad Kāẓim Khurāsānī (d. 1329/1911) and Sayyid Muḥammad Kāẓim Ṭabāṭabā'ī Yazdī (d. 1337/1918). Only the last two *mujtahids* were acknowledged as the sole *marja'* for a period of three and nine years respectively. Following the death of Yazdī, the collective *marja'īyat* was represented by the following ulama: Mīrzā Muḥammad Taqī Shīrāzī (d. 1339/1920), Shaykh Faṭḥullah Sharī'at Iṣfahānī (d. 1339/1920), Mīrzā Muḥammad Ḥusayn Nā'inī (d. 1315 sh./1936), Shaykh 'Abd al-Karīm Ḥā'irī (d. 1315 sh./1936) and Sayyid Abū'l-Ḥasan Iṣfahānī (1325 sh./1946). Only the last *marja'* was singled out as the sole source for emulation for a period of ten years.⁵²

In 1325 sh./1946, Ḥājji Āqā Ḥusayn Burūjirdī appeared as the sole *marja'* and remained uncontested⁵³ in this position for over fifteen years. After his death the

⁵²See, e.g. Mudarris Khīyābānī, *Rayḥāna*; Tīhrānī, *Ṭabaqāt*; Bakhshāyishī, *Fuqahā*; Jannātī, "Maṣādiq-i A'lam".

⁵³A number of contemporary observers believe that Ayatollah Hujjat Kūhkamara'ī could have competed with Ayatollah Burūjirdī if he had wanted to do so. Personal interview with Ayatollah Sayyid Muḥammad Mahdī Mūsavī Khalkhālī, Montréal, Feb. 1989.

marja'iyat of the Shi'ite community was divided among the following high ranking *mujtahids* : Sayyid Muḥsin Ḥakīm (d.1349 sh. 1970), Sayyid Abū'l Qāsim Khuṭ in Najaf, Sayyid Aḥmad Khwānsārī (d.1263 sh./1985) in Tehran, Sayyid Shihāb al-Dīn Mar'ashī (d. 1369 sh./1990), Sayyid Kāẓim Sharī'atmadārī (d.1364 sh./1985) Sayyid Rūḥullah Khomeini (d.1368 sh/1989), Sayyid Muḥammad Riḍā Gulpāyigānī in Qum, and Sayyid Hādī Milānī (d.1355 sh/1976) in Mashhad. At the present time, only Ayatollah Sayyid Muḥammad Shīrāzī, Ayatollah Sayyid Muḥammad Rūḥānī and Ayatollah Nāṣir Makārīm Shīrāzī can be added to those *marja's* mentioned above who are still living, i.e. Ayatollah Khuṭ and Ayatollah Gulpāyigānī. It is remarkable that after the emergence of the institution of *marja'ūyat*, except for the years that Shīrāzī spent in Samarra, Najaf was the seat of the *marja's*. In 1299 sh./1920 Ayatollah Ḥā'irī re-established the teaching center of Qum, a shrine city which had been abandoned since Mīrzā-yi Qummī. Thereafter, Qum became the second seat of the *marja's* after Najaf.

Congruent with the evolution of the Shi'ite learned hierarchy, practical treatises (i.e. *risāla-yi 'amaliya*) summarizing the legal opinions of leading jurisconsults or *marja's* became popular. These treatises were written in simple language and frequently in Persian. As we have mentioned, the first of these treatises was sponsored by Shāh 'Abbās in an attempt to Persianize Shi'ite jurisprudence. Shaykh Bahā'ī's *Jāmi'-i 'Abbāsi* and Muḥammad Taqī Majlisī's *Aḥkām al-Sharī'a*⁵⁴ have little to do with their own legal opinions although these works reflected their conceptions of religious rulings. However, Majlisī the Younger wrote several treatises in Persian language such as *Ḥudūd va Ta'zīrāt*, *Manāsik-i Ḥajj*, *Zakāt*, *Khums*, *I'tikāf*, *Ādāb al-Ṣalāt*, *Tajhīz al-*

⁵⁴This book includes a Persian summary of all chapters of Shi'ite jurisprudence and was annotated by later *marja's* such as S.M. K. Yazdī. See Jannā'ī, "Advār-i Kayfiyat-i Bayān-i Fiqh," p. 15.

Amwāt, and *Zād al-Ma'ād* ⁵⁵ which can be considered the first written attempt to establish the authority of the juristic rulings among the mass followers.

After the re-establishment of the Usuli school by Bihbihānī, his students who had written works based on argumentation now started to write these new treatises which aimed at reasserting the authority of the *mujtahids* in addition to providing explanation of legal opinions. Shaykh Ja'far Kāshif al-Ghiṭā' wrote *Baghyat al-Ṭālib*, Sayyid 'Ali Ṭabātabā'ī and Mullā Aḥmad Narāqī wrote the Persian works, *Zahr al-Riyāḍ* and *Wasīlat al-Najāt*. It is surprising that the first *marja'* Shaykh Muḥammad Ḥasan Najafī wrote his famous *Najāt al-'Ibād* in Arabic. This book which is said to be a summary of *Jawāhir al-Kalām* was translated into Persian during the author's lifetime.⁵⁶ Shaykh Anṣārī did not write any treatise which expressed his opinion and he referred his followers to Najafī's concise book and his own commentaries on the work. However, Anṣārī's discourses found in *Ṣirāt al-Najāt* and *al-Manāsik* can be considered supplements to the above treatise.⁵⁷ Mīrzā Ḥasan Shīrāzī did not write such a treatise but his legal rulings were published in *Majma' al-Rasā'il* by one of his students.⁵⁸

Yazdī's *al-'Urwa* put an end to the dominance of Najafī's *Najāt* and has become popular as the most current and concise *fiqh* work which expressed the opinions of the *marja'*. *Al-'Urwa* is annotated by twenty-seven contemporary ayatollahs, some of whom were considered *marja'* at the time when the annotation was made. This shift from writing based on argumentation (*istidlālī*) *fiqh* works to the concise summation of

⁵⁵Ibid., p. 16.

⁵⁶Ibid., p. 17.

⁵⁷Ibid.

⁵⁸*Kayhān-i Andīsha* 4 (1986), p. 17.

the *marja's* opinions indicates a shift in the attitude of the ulama in an attempt to adapt the legal corpus to the new exigencies of their followers. After Yazdī, all *marja's* and a number of regular *mujtahids* wrote practical treatises, such as Muḥammad Taqī Shīrāzī's *Dhakīrat al-'Ibād* and Abū'l Ḥasan Iṣfahānī's *Wasīlat al Najāt*, found widespread appeal at the time.⁵⁹

Another development which closely linked the evolution of the juristic hierarchy with the new designation of the ulama is the introduction of new titles especially after the establishment of the *marja'īyat*. Shaykh Muḥammad Ḥasan Najafī was addressed by his contemporaries as *shaykh al-fuqahā'* and Shaykh Anṣārī was called *al-shaykh al-a'zam*.⁶⁰ However these adjectives did not constitute a fixed designation for them or for the rank of ulama to which they belonged. Preceding them, Sayyid Muḥammad Bāqir Shafī' had carried the title of *Ḥujjat al-Īslām* (the Proof of Islam). This is probably the first use of such a title for a Shi'ite dignitary.⁶¹ The application of this title was in conformity with the character of Shafī' as qadī and *mufīd* who wrote a book on the obligation of implementing Islamic law during the occultation of the Imam from the community.⁶² Parallel to the growing application of the term *ḥujjat* in Usuli literature was the increased use of this term in Shaykhi writings, particularly those of Rashīd.⁶³ This demonstrates the often potent struggle to capture the highest spiritual position even in the realm of designations.

⁵⁹Ibid., pp. 19-21.

⁶⁰Tīhrānī, *Ṭabaqāt*, no. 2, p. 311 and Anṣārī, *Zindagānī*, pp.75-76.

⁶¹Mudarris Khīyābānī, *Rayḥāna*, v. 2, pp. 22-29.

⁶²Ibid., p. 27. According to Mudarris Khīyābānī, the title of *ḥujjat* in the language of Muslim traditionists was applied to those who had memorized 300,000 tradition-reports. p. 22.

⁶³E.g. Rashīd, *Dalīl al-Mutahayyirīn*.

The use of *ḥujjat* to describe the designation of the Imams has a long history in Shi'ite juridical works from as early as *al-Kāfi*.⁶⁴ The Imams, particularly the Twelfth Imam, has the status of *ḥujjat* "as the 'guarantor' or 'authoritative exponent for religious knowledge and guidance in all spheres'."⁶⁵ However, the Imams' full title is *ḥujjatallāh* which was never used by the ulama until the Qajar period.⁶⁶ The development of the charismatic status of the ulama entitled them to apply better terms to justify their new position. Mirzā-yi Qummī employed the term *ḥujjatallāh*⁶⁷ and was addressed as *ḥujjatallāh al-bāligha* by Faṭḥ 'Alī Shāh.⁶⁸ It seems that this title did not prevail primarily because of the possible opposition of the pious currents whose devotional feeling would not abide such a usage. Two alternatives solved the problem. *Ḥujjat* was coupled with *Islām* and *Allāh* with *ayat* (sign, token) as in "ayatollah" in subsequent decades.

After Shaftī, we find sporadic use of this title for high-ranking ulama such as Mullā Asadullāh Burūjirdī, Sayyid Asadullāh Shaftī (he apparently inherited this title from his father) and Mullā Muḥammad Mahdī b. Aḥmad Narāqī.⁶⁹ Nevertheless, the leading *marja's* of Najaf, especially Anṣārī, were reluctant to apply such a title.⁷⁰ Since

⁶⁴Kulaynī, *al-Kāfi*, pp. 313-500.

⁶⁵Crow, "The Teaching...", p. 34. See also Abdulaziz Sachedina, *Islamic Messianism* (Albany: State University of New York, 1981), pp. 39-78.

⁶⁶With the exception of the mystical context in which the term *ḥujjatallāh* was used by mystics such as Mullā Ṣadrā, see above Part One, Chapter Three.

⁶⁷Tunakābunī, *Qīṣaṣ*, p. 161.

⁶⁸See Abdul-Hadi Ḥā'iri, *Nakhushtin Rūyā-Rū'iḥā-yi Andīshagarān-i Irān* (Tehran: Amīr Kabīr, 1988), p. 362.

⁶⁹Mudarris Khiryābānī, *Rayḥāna*, v.2, pp. 25-26, Muḥammad Mahdī Mūsavī Iṣfahānī, *Aḥsan al-Wadī'a* (Najaf: Ḥaydariya, 1387/1967), p. 66, Jalāl Maṭīnī, "Baḥthī dar Bāra-yi Alqāb va 'Anāvin-i 'Ulamā' dar Madhhab-i Shi'a," *Irān Nāmeḥ* 4 (1983), p. 575.

⁷⁰Maṭīnī, "Baḥthī...", p. 589.

Mirzā Ḥasan Shīrāzī, the title of *ḥujjat al-islām* was consistently applied to leading *marja's* of 'Atabāt.⁷¹ During the constitutional Movement of Iran, this title was exhausted by its extensive application to any *mujtahid*. At this juncture, the term *āyatullāh* (ayatollah, sign of God) appeared and highlighted the designation of the grand *marja's* of Najaf (Khurāsānī, Tihrānī and Māzandarānī) as well as the two religious leaders of the Constitutional Movement, Sayyid Muḥammad Ṭabāṭabā'ī and Sayyid 'Abdullāh Bihbihānī.⁷² In Shi'ite literature, the title of ayatollah was first used for 'Allāma Ḥillī by his commentators,⁷³ then for Majlisī the Younger and Muḥammad Bāqir Bihbihānī by their students.⁷⁴ However, its application seems to have been limited to the renewers of religion of each Islamic century and it was largely employed during the Constitutional period especially after the renaissance of the shrine city of Qum. Jalāl Maṭīnī suggests that the title of ayatollah was intentionally circulated by the jurists of Qum in order to compete with the title of *ṣillullāh* (shadow of God) used often for Qajar kings.⁷⁵ This suggestion was not elaborated. Later with the presence of Burūjirdī at the top of the Shi'ite hierarchy, the application of the term ayatollah did not appear sufficient to indicate his high position. It was thus accompanied with *'uzmā* to mean the grand ayatollah.

The relationship of both the individual and collective *marja'* with other parts of the Shi'ite hierarchy is of importance. The main body of the Shi'ite hierarchy consists of regular *mujtahids* who can be considered absolute (*muṭlaq*) or divisible (*mutajazzī*)

⁷¹Ibid. and Momen, *An Introduction*, p. 205.

⁷²Dihkhudā, *Lughat Nāma*, v. 2, p. 231.

⁷³Faḍīl Miqdād al-Suyūrī, *al-Bāb al-Ḥādī 'ashr*, ed. M. Muḥaqqiq (Tehran: Dānishgāh, 1986), p. 1.

⁷⁴Khwānsārī, *Rawḍāt ai-Jannāt*, v. 2, p. 94.

⁷⁵Maṭīnī, "Baḥth...", pp. 586-91.

mujtahids by virtue of the permission (*ijāza*) which they received from their teachers. In the contemporary Shi'ite world, *mujtahids* are generally addressed as *ayatollah*. Below the lowest rank of *mujtahids*, there are diverse groups of the religious class who are generally called *mullā* or *rūḥānī*. They are divided according to the function which they perform: *pīshnamāz* (leader of the daily prayers), *vā'iz* (preacher), *mudarris* (regular instructor) and *rawḍakhwān* (reciter of religious tragedies). The preachers and reciters usually bear the title of *thiqat al-islām* (those trustworthy in Islam). The relationship between the above ranks should be considered in light of the tradition of informality in Shi'ism or as Arjomand calls it the Shi'ite "hierarchy of deference":

The relationship between the upper and the lower ranks of the hierarchy was, in short, regulated not by an organizational hierarchy but by an unformulated *hierarchy of deference*.⁷⁶

The strongest chain linking the *marja'-mullā* relationship seems to be the structure of collecting the Imam's shares. Ayatollah Muṭahhari, in his analysis of the problems facing the juristic organization said: "The emergence of leadership and super powers (among Shi'is) was due to the concentration of the collection of the Imam's shares."⁷⁷ This concentration which began since the time of Najafī, as we saw, consolidated the delegating network with a financial basis. Nevertheless, the local *mullās* were usually paid half of the *khums* which they collected for the representative of the *marja'* from preaching and providing guidance to the local merchants. Representation of the *marja'* either in a financial capacity or for the purpose of religious guidance appears to be a crucial element in safeguarding the relationship of the chief *marja'* with the local *mujtahids* and *mullās* in the contemporary era. It has been the policy of most *marja's* to secure the favor of the local religious dignitaries by the

⁷⁶Amir Arjomand, "The Shi'ite Hierocracy and the State," *European Journal of Sociology* 22 (1981), p. 69.

⁷⁷Muṭahhari, *Baḥthī*, pp. 180-81.

annual distribution of parts of the Imam's shares amongst them via their delegated representatives. Moreover, we know that all agents of the *marja'* have often advised to refrain from any possible conflict with the local ulama that may jeopardize their reputation or livelihood.⁷⁸

The transition from collective to individual leadership of the *marja'*s remains essentially a question of inter-clerical relations as we saw in our discussion of the complete *marja'* (*tāmm*). Nevertheless, the possible influence of bazaar-mosque and bazaar-state interactions, as discussed by Abbas Amanat, should be taken into consideration.⁷⁹ The following circumstances can give us better insight into the above relations.

Ayatollah Burūjirdī's emergence as *marja'* after Ayatollah Iṣfahānī coincided with the sudden death of Ayatollah Ḥājī Āqā Ḥusayn Qummī, which left Najaf without a juridically senior *mujtahid*. Burūjirdī could still be contested by two Ayatollahs, Sayyid Aḥmad Khwānsārī and Sayyid Muḥammad Ḥujjat in Qum and his authority was jeopardized by the opposition of the influential Ayatollah Sayyid Naṣrullāh Banī Ṣadr in Hamadan. The ulama resolved these problems by reaching a concurrence in the following manner. Ayatollah Khwānsārī was convinced to move to Tehran as the chief representative of Ayatollah Burūjirdī in Tehran. Ayatollah Ḥujjat acknowledged the priority of Burūjirdī and remained in Qum as a chief teacher of *fiqh*. The support of the Ayatollah Banī Ṣadr was secured through the missionary work of Ayatollah Khomeini who travelled to Hamadan in 1325 sh/1946.⁸⁰

⁷⁸See Jannati, "Sayr-i Tarīkhī....," pp. 25-27.

⁷⁹Amanat, "In Between ..." p. 123.

⁸⁰Personal interview with Ayatollah Muḥammad Mahdī Mūsavī Khalkhālī in Montréal, Feb. 1989. See also Sayyid Ḥamid Rūḥānī *Nihzat-i Imām Khumaynī* (Tehran: Rāh-i

Fifteen years later, however, such compromising efforts did not work after the death of Ayatollah Burūjirdī. The first bid to secure the recognition of the generality of the ulama was taken by the now senior Ayatollah Khwānsārī who sent a sizeable sum of money to Najaf as the stipend for the religious students on behalf of the now deceased Ayatollah Burūjirdī. But these funds were returned to Tehran by the order of the rising Ayatollah Ḥakīm who, too, could not win a general agreement for his own leadership.⁸¹ For the above reasons, we considered the informal concurrence of the ulama the essential element in setting the leadership of *marjaʿs*. After the Islamic Revolution of Iran, the above concurrence was entrenched in the assembly of experts according to the constitution of 1358 sh./1979. However, following the separation of *marjaʿīyat* from the political state leadership in the amendment of 1368 sh./1989, the choice of *marjaʿ* seems to have returned to its traditional basis as we are witnessing now in the rise of new *marjaʿs* such as Ayatollahs Sayyid Muḥammad Shīrāzī, Sayyid Muḥammad Rūḥānī and Nāṣir Makārim Shīrāzī.⁸² Thus, it suffices for the purpose of this study to conclude that the juridical operation within the ranks of the ulama, which was responsible for the advent of the *marjaʿīyat*, still remains essential for introducing new *marjaʿs*.

Imām, 1982), p. 99. See also Fāzil Lankarānī, "Muṣāḥiba bā Āyatullāh Fāzil Lankarānī", *Hawza* 43-44 (Mars-July 1991), Qum, pp139,157.

⁸¹Ibid.

⁸²The religious experts in Qum (where I visited in August 1991) considered Ayatollah Makārim Shīrāzī as the choice of *Jāmiʿa-yi Mudarrisīn-i Qum* while Ayatollah Rūḥānī represented the pious segment of the juristic body in Qum. Ayatollah Sayyid Muḥammad Shīrāzī, however, owed his popularity to the propaganda activities of his followers in the Persian Gulf Emirates and ʿAtabāt.

Chapter Four

The Place of *Marja'iyat* in The Socio-Political Life of The Shi'ite Community

The institution of *marja'iyat* occupied an important place in the socio-political life in Iran and Iraq which has been unprecedented in Sunnism. The same conditions which necessitated the advent of the *marja'iyat* predestined its place in Shi'ite society. The *marja'iyat*, as we saw in the Part I, emerged out of the continuous struggle for the authority among the representatives of speculative thought in Shi'ism. By basing its authority on the rational interpretation of the Imams' traditions and the notion of his vicegerency, the Usuli part of these trends managed to win the support of the Shi'ite community. The place that the Usulis assigned to themselves was theoretically an intermediary position between the Imam and his community. They avoided committing themselves to miraculous and saintly performances or jeopardizing the material power of the ruling establishments.

In addition to the charisma derived from the vicegerency of the Imam, the above intermediary position was sustained by the expansion of Shi'ite positive law as manifested in the reformulation of *fiqh* by the Usuli scholars of 'Atabat, such as Najafi and Anṣārī. This expansion not only indicates the daily contact of *marja's* with common people but demonstrates a reciprocal relationship which resulted in a kind of devotional attachment to the *marja'iyat*. According to Ayatollah Muṭahhari, the courtesy and devotion performed by the *khums* payers to the person of the *marja'*, gave a double value to the implementation of the law regarding the three shares of the Imam.¹

¹Muṭahhari, *Baḥthī*, p. 180.

It is remarkable that the development of Shi'ite jurisprudence in the thirteenth/nineteenth century does not include the topic of *marja'iyat*. The notion *marja'iyat* is only implied in the legal norms concerning the qualifications of *mujtahid* in the chapters of *ijtihad* and *taqlid*. The institutional appearance of *marja'iyat* can only be found in the historical and biographical works. The legal nature of *marja'iyat*, which has never been propounded in *fiqh*, can be characterized in anthropological terminology, as a case of non-corporate institutions the chief characteristic of which "involves voluntary face-to-face and one-to-one relationships between individuals in an informal setting."² In fact, the problem of *marja'iyat* still remains a topic of historical development whose legal rules have not yet been incorporated into positive law.³

Despite its informal structure, the *marja'iyat* was crucial for institutionalizing several public functions of which the authority of a supreme *mujtahid* is relevant. In addition to giving legal opinion in religious matters and administering the learning and pious foundations, qadiship and prayers, the *marja'* came to be considered the final authority in declaring *jihad*, determining heterodox and innovative ideas as well as serving as an intermediary between the people and the government by balancing monarchical absolutism and the defense of Shi'i land. In our discussion of the socio-political status of the *marja'iyat*, however, we will concentrate first on two

²Saeed Pirmazar, "Non-Corporate Groups and Political Development in Developing Areas," Ph. D. (University of Kansas, 1982), p. 183.

³Several attempts including the 1979 Constitution of the Islamic Republic of Iran have been made to give a formal shape to the institution of *marja'iyat* but, as we see in the Amendment of 1989, they failed. It seems that for the institution of *marja'iyat* "any semblance of formality goes against its very nature and structure." See Pirmazar, "Non-Corporate...", p. 60. From a juridical point of view, the question of *marja'iyat* was set forth for discussion by the contemporary Ayatollah Sayyid Muhammad Shirāzi in his work, *al-Fiqh*. Nevertheless, it appears to be a trivial subject in relation to *taqlid* and *wilāyat al-faqih*, since Shirāzi does not try to conceptualize the independent character of *marja'iyat*. See Sayyid Muhammad al-Husaynī al-Shirāzi, *al-Fiqh*, 108 vols. (Beirut: Dār al-ʿUlūm, 1987), v.1. pp. 196-226 and v. 101, pp. 57, 65, 76.

characteristics of the independent and intermediary position of *marja'iyat* and then focus on the function of the *marja'iyat* in the system of checks and balances and the defense of Shi'i land.

A. Independent Character of *Marja'iyat*

Before the Safavid period, the status of the Shi'ite ulama, like their Sunni counterparts, was chiefly identified with their function as *mufī* (jurisconsult), leader of congregational prayer and qadi. It was only the office of qadi which had some governmental affiliations. This is especially evident in the case of the chief qadi in Baghdad under the Caliph al-Qādir, Sayyid Murtaḍā.⁴ When the Safavids made Shi'ism the state religion of Iran, they tried to incorporate all of the above functions into state positions in an attempt to give them higher significance. The *mufī* became *mujtahid al-zamān*. In all of the major cities, the Shaykh al-Islām was introduced as a leader of prayers in the central mosque (*jāmi'*). Qadiship was then divided into civil and military spheres each composed of new ranks.

Moreover, the new position of *mullā-bāshī* was created especially to provide a state channel through which it could control the religious dignitaries by incorporating them into government administration.⁵ The office of *ṣadr* which originated from the expansion of custodianship of the pious foundations (*mutawallī*) was divided into *khāṣṣa*, *mamālīk* and *nā'ib ṣadr* with different jurisdictions to administer pious endowments and bequests.⁶ In the middle of the Safavid period, a strong gnostic trend

⁴See Mudarris Khayābānī, *Rayḥāna*, v.4., p. 184.

⁵The very definition of this position by the author of *Tadhkiratal-Mulūk* gives enough indications of the function of this position: It is described as "the leader (*sarkarda*) of all mullās... (who) had a special place near the throne, and none of the learned or the sayyids would sit closer than him to the kings." See Minorsky, p. 41; Arjomand *Authority and Political Culture*, pp. 19, 87.

⁶See above Part Two, Chapter Two.

appeared which, on a practical level, introduced a new genre of religious dignitaries namely *‘ulamā’ bi-Allāh* among whom the *Sulṭān al-‘ulamā’* occupied the office of vizier.⁷ However, because of the negative reaction of the orthodox ulama, they had to return to their traditional Sufi and mystic status or leave Shi‘ite lands.

None of the above religious processes actually form an independent structure for the position of the ulama under the Safavids. Except for some pious *mujtahids* and ascetic Sufis, all religious institutions were subordinated to government administration while the status of *mujtahid* and *marja’* became completely independent of state domination during the Qajar period. The state-controlled offices of *mullā-bāshī*, *ṣadr* and *shaykh al-Islām* (now *imām jum‘a*) continued to exist, but did not flourish, and their roles were subordinated to that of the rising *mujtahids* and vicegerents of the Imam. These *mujtahids* had adopted a different structure of authority since the late Safavid period. The works of Majlisī the Younger on popular religion, Shi‘ite tragedies, the pilgrimage to holy shrines, and the necessity of *khums* payment, qualify him as one of the foremost pioneers of the new structure of juristic authority. Majlisī’s Persian writings were essentially addressed to common people in an attempt to reformulate Shi‘ite ideology so that it incorporated ritualistic elements and devotional attachment both of which expanded the function of the jurisconsult as the custodian of the rite.⁸ Amir Arjomand credited Majlisī with creating “a psychological basis for hierocratic domination among the masses.”

⁷See above Part One, Chapter Three.

⁸The list of Majlisī’s writings includes a sizeable number of books on rituals such as *Ādāb al-Ṣalāt* and *Manāsik-i Hajj*. Consult Shaykh Āqā Buzurg Tihrānī, *al-Dharī‘a*, v. 2, on *ādāb*. For a brief survey of the contents of Majlisī’s *Bihār al-Anwār*, see v. 3, pp. 16-26.

Through his popularization of Shi'ism Majlisi had secured the religious loyalty of the masses, precluding the influence of the Sufi shaykhs upon them.⁹

In the interim between the fall of the Safavids and the rise of Qajars, the ritualistic process in the shrine cities was defined as a direct result of the Akhbari dominance in the 'Atabāt and their way of attaching themselves to the Imams through devotional practices and following the traditions of the Imams. When the Usuli *mujtahids* began to concentrate themselves in 'Atabāt instead of Isfahan and eventually dominated the key religious institutions of Iraq, the ritualistic processes had already come into play and the small villages of Najaf, Karbalā and Kāzmayn were turned into economic centers as holy shrine cities. The Usuli *mujtahids* benefited from the financial resources despite their theoretical problem of legitimizing all new rituals which were introduced especially one such as the Muḥarram processions.¹⁰ However, the stability of the ulama's financial resources in this period was an essential factor in achieving their independence from the Qajar government.

Another factor contributing to the independent character of *marja'iyat*, was the attitude of the Qajar kings especially that of Faṭḥ 'Alī Shāh toward the religious institutions. Qajars inherited the instability and problems of legitimacy which followed the fall of the Safavids. In order to provide enough legitimacy to stabilize the government, the Safavid ruler managed to combine in himself three important roles: he

⁹Amir Arjomand, "The Shi'ite Hierocracy....," p. 47.

¹⁰A comparison between the Usuli writings of 'Allāma Ḥillī and Shaykh Anṣārī with that of Majlisi the Younger illustrates the different conception of the Shi'ite religiosity which Majlisi adopted. Most of the Muḥarram rituals have no title in the Usuli works of e.g. Anṣārī, Narāqī, Najafī, Shīrāzī etc. Concerning the ulama's problem on exaggerative or superstitious aspects of some of the Muḥarram processions, see Asadullāh Mūsavi Khāragānī, *Maḥw al-Mawhūm wa Saḥw al-Ma'ḥūm* edited by Sayyid Maḥmūd Ṭālaqānī (Tehran: Nūr Muḥammadi, n.d.), pp. 22, 28, 43 & 280. See also Naṣir Makārim Shīrāzī, "Muṣāḥiba bā Āyatullāh Makārim Shīrāzī" *Ḥawza* 43-44 (mars-July 1991) p. 267.

was the pole (*qutb*) of the popular Sufi order to which the dynasty belonged, the Şafawīya order, and he claimed descent from the Seventh Imam and finally he was a king according to the Persian tradition of kingship. Afshars and Zands did not concern themselves with doctrinal justification for their short lived reigns. They only combined their own military victories with the Persian tradition of kingship. Even their authority to adhere to this tradition was questionable since both Nādir Shāh and Karīm Khān were often officially designated as deputies of a powerless Safavid prince. This seems to be part of the reason for the difficulty which their successors had in establishing themselves as a sovereign dynasty.

The Qajars anticipated the crisis which they would face if they had not provided a legitimate pretext for the continuation of their rule. Āqā Muḥammad Shāh, who was born into and trained in a religious family¹¹ liked to identify himself as a devoted and pious Shi'ī. He treated the ulama with deep respect and often accepted their intermediary role.¹² Āqā Muḥammad Shāh also dispatched his *mullā bāshī* to Kirmanshah to invite Āqā Muḥammad 'Alī Bihbihānī to Tehran. However, Āqā Muḥammad Shāh's overall attitudes indicate that the tribal basis and even the connection to the Mongol tradition of Khanate was of more importance in his view than religion. In addition to their good relationship with the religious dignitaries, the early Qajar kings enjoyed the talents of efficient viziers such as Ibrāhīm Khān Kalāntar, Mīrzā 'Isā and Buzurg Qā'im Maqām, and Amīr Kabīr who one way or another guaranteed the safe transition of power to the new Qajar kings.

¹¹Āqā Muḥammad Shāh was born in the house of Mullā Sayyid Mufīd. See Riḍā Qulī Khān Hidāyat, *Rawḍat al-Şafā-yi Nāşiri* (Tehran: Khayyām, 1960), v. 9, p. 85.

¹²Sir John Malcolm, *Tārīkh-i Irān*, 2 vols. (Tehran: Sa'ādī, n.d.), v. 2, p. 112. See also Hidāyat, *Rawḍat al-Şafā*, v. 9., p. 821.

Āqā Muḥammad Shāh's successor, Fath 'Alī Shāh, not only continued to identify himself with both the knowledge and piety of a true Shi'i but also tried to combine religious legitimation with his reign. Such a claim to religious legitimacy could only be sponsored by "religious dignitaries" whether they were Usuli, Akhbari, or Shaykhi. We have evidence indicating that Fath 'Alī Shāh tried to employ the title, *ūlu'l-amr* (those invested with power) after using the pretext of being appointed by a vicegerent of the Imam. A letter written by Mīrzā-yi Qummī reveals the fact that he was asked to perform the ritual of such a designation for the Shah. However, he denounced the idea because of the Sunni implication of *ūlu'l-amr* being applied to anyone other than the Imams.¹³ In the same letter, Qummī expressed his concern about the Shah's possible inclination towards Sufism and philosophy which gives a clue about why the Shah considered Shaykh Aḥmad Aḥsā'ī as *ḥujjatallāh al-bāligha* (the full-fledged proof of God) and *a'raf al-'urafā'* (the greatest gnostic).¹⁴

Fath 'Alī Shāh, however, could not find a better solution to his problem than the Usuli ulama and their doctrine of vicegerency in order to accomplish his search for two-fold legitimacy. Amir Arjomand applies to this the Weberian theorem, "If the legitimacy of the ruler is not clearly identifiable through hereditary charisma, another charismatic power is needed; normally this can only be hierocracy."¹⁵ The conclusion which Amir Arjomand draws in his last analysis is the existence of a dual structure of authority for the Qajar period.¹⁶ However, Fath 'Alī Shāh's religious attitude

¹³Hairi, *Nakhustīn*, p. 327.

¹⁴*Ibid.*, p. 362.

¹⁵Arjomand, *Authority and Political Culture*, p. 89.

¹⁶*Ibid.*, p. 7.

accelerated the process towards the self-contained and independent character of the *marja'iyat*.

Despite their generally good relationship with the government, the ulama of this period did not assimilate with the Qajar court as their predecessors had done with the Safavids. They remained distinctive and aloof from the state bureaucracy. In the relationship which developed between Faḥr 'Alī Shāh and the contemporary ulama, we do not find the kind of association which for example, Shaykh Bahā'ī had with Shah 'Abbās.¹⁷ In fact, the former sought to assimilate himself to the ulama in an effort to increase his claims of legitimacy, while the Safavid founders considered themselves to be the sources of legitimacy and looked to the Shi'ite ulama for jurisprudential assistance.

The ulama's general impression of the government during the Qajar period, was that the temporal rulers were oppressive, although the occultation of the Imam required a *de facto* recognition of their rule as authorized by qualified *mujtahids*.¹⁸ This two-fold conception of authority can be seen in the complex attitude of Mullā Aḥmad Narāqī who expelled the governors of Kashan twice despite his good relationship with the king.¹⁹ Narāqī was explicit in reformulating the doctrine of juristic mandate on its all-embracing basis although he admired Faḥr 'Alī Shāh as a just ruler and promoter of religion.²⁰

¹⁷See Falsafi, *Zindagānī*, v. 3, p. 26.

¹⁸See also Modarresi Tabataba'i, *Kharāj*, pp. 153-166 and Hairi, *Nakhustīn*, pp. 323-373.

¹⁹Tunakabūnī, *Qiṣaṣ*, p. 130., Ḥasan Narāqī, *Tārīkh-i Ijtima'ī-yi Kāshān* (Tehran: Anjuman Athar-i Millī, 1969), p. 247.

²⁰Mullā Aḥmad b. Mahdī al-Narāqī, *Mi'rāj al-Sa'āda* (Tehran: Lithograph, 1281/1864), p. 9.

In a similar manner, Shaykh Ja'far Kāshif al-Ghiṭā' 's legitimizing the reign of the Shah and his role in defending Islam against the Russian threat, reveals the fact that he considered the *mujtahids*' status totally independent from the ruling establishments. He admired Fath 'Alī Shāh as "the one who is protected by the meticulous eyes of God the Benefactor King;"²¹ nevertheless, he considered himself to be the one who should legitimize the Shah's privilege of levying taxes to finance the war against the Russians.²² In a special letter to the Shah, Kāshif al-Ghiṭā' went so far as to call him "a servant who confessed his status of being a servant."²³ This kind of language cannot be seen in the writing of the previous ulama, even such scholars as Majlisī the Younger who was the most authoritative jurisconsult of the late Safavid period.

It should be added that if we enlarge the scope of the ulama to include second-ranked clergy such as Shaykh Ja'far Kashfi, we can see that the legitimizing role of the ulama during the reign of Fath 'Alī Shāh reached the point of either endowing the king with the authority of the Imam of the Age or dividing the function of vicegerency between the ulama and the rulers.²⁴ Nevertheless, it does not seem to do justice to the overall religious mood as reflected in the juridical works of the above mentioned *mujtahids* who, except for some conventional praise of the ruling king, adhered to the doctrine which appeared to be compatible with the overall history of Shi'ite

²¹ Shaykh Ja'far Kāshif al-Ghiṭā', *Kāshif al-Ghiṭā'* (Tehran: Lithograph, 1317/1899), p. 331.

²² Ibid.

²³ Hairī, *Nakhustān*, p. 331.

²⁴ Arjomand, "The Shi'ite Hierocracy...." pp. 53-54; Idem, "The Shadow....," pp. 325-29; Hairī, *Nakhustān*, p. 342-50.

jurisprudence. Kashfī's ideas do not conform with the historical structure of Imami legal thought.²⁵

One can see a distinct change in the relationship between religious leaders and the state by comparing the attitude of the most respected theorist of early Safavid Shi'ism, Shaykh 'Alī Karakī towards the state and the relationship of the first categorical *marja'*, Shaykh Muḥammad Ḥasan Najafī, with the Qajar government. The latter, in his discussion of *zakāt* tax refers to Karakī's passage by questioning what was really meant by the "government's share (*ḥissat al-Sulṭān*) in wheat tax." He rejects Karakī's view that payment to government would resolve the liability of a tax payer.²⁶ On the one hand, Karakī was discharged from obligatory attendance before the local governors by a special decree by Shah Ṭahmāsb.²⁷ Najafī, on the other hand, did not visit the crown prince, Nāṣir al-Dīn Shāh during his trip to 'Atabāt but contented himself with sending a representative. In fact, we have no record of any *marja'* attending the court of the King. This confirms the independent character of the *marja'īyat*, and because it was not subordinated to any state office, the *marja'īyat* was able to develop a number of important nation-wide functions to which we now turn.

B. The Intermediary Role of *Marja'īyat*

The Shi'ite ulama used to play the role of intermediary between the rulers and the ruled masses in the absence of any other effective machinery, i.e. any public

²⁵Shaykh Ja'far Kashfī was not enlisted as an Usuli *mujtahid* as the list of his writings does not entitle him to such a position. There is no evidence that he has ever been considered a leading *mujtahid* not to mention *marja'*. See Tīhrānī, *Ṭabaqāt*, v. 2, pt. 1, p. 241 and Mudarris Khiyābānī, *Rayḥāna*, v. 5, p. 60.

²⁶Najafī, *Jawāhir al-Kalām*, v. 15, p. 225.

²⁷See Arjomand, *Authority and Political Culture*, p. 255.

institution in Muslim society.²⁸ This role was heightened by the Qajars, who in practice allowed the ulama to voice public demands and public opinions. We already saw Āqā Muḥammad Shāh's policy of accepting the ulama as the sole channel through which the public could reach the ruler. It seems that the bloody tribal conflicts after the fall of the Safavids, left no urban dignitary who did not adhere to some partisan cause, except the group of *mujtahids* who were aloof from the power struggle. In fact, the absence of any strong public institution made the conflicting parties look to the ulama as impartial personalities who could voice popular opinion.

Fath 'Alī Shāh sought not only the ulama's interaction but their legitimizing role. What Fath 'Alī Shāh secured for himself was the title of appointee by the vicegerent of the Imam which historically had little bearing on his authority. But what the ulama gained was an enhanced hierarchy in which they assumed the authority of legitimizing temporal powers on behalf of the Imam of the Age. This provided an authoritative role for the ulama as intermediaries between the government and the people who considered the words of the *mujtahids* as the seal of legitimacy for their undertakings.

Because of their religious functions as leader of the prayer, teacher, qadi and jurisconsult, the ulama have been in close contact with the dissatisfied and dissenting layers of Shi'ite society. They managed to function as a natural channel of expression for social discontent with the ruling class. In fact, the ulama were in a better position to control the spiritual sentiments of the Shi'ite masses especially during the commemorative gatherings, such as the Muḥarram processions since the late Safavid

²⁸Concerning the intermediary role of the ulama in general, see Mehdi Mozaffari, *Authority in Islam*, pp. 43-46 and Afaf Lutfi al-Sayyid Marsot, "The Political and Economic Functions of the 'Ulamā' in the 18th century," *Journal of the Economic and Social History of the Orient* 16 (1973), pp. 130-154.

period. This evidently provided them with a crucial mechanism with which to influence public opinion.²⁹

In the above context, the position of *marja'* emerged out of the consolidated status of *mujtahid* and the public was prepared to consider the words of the *marja'* as the seal of legitimacy for any situation. Mīrzā-yi Qummī, one of the first to conceive of the notion *marja'īyat* as an institution, wrote a guide book (*Irshād Nāma*) addressed to Āqā Muḥammad Shāh in order to justify the reign of the Qajar monarch. He called this book a "mutual consultation" between two scholars and *marja's*, religious and temporal, whose tasks and functions complete each other.³⁰ It is evident that the very writing of such a guide book for the reigning king demonstrates the enhanced intermediary role of the *marja'* at the beginning of the Qajar period.

Another remarkable jurist was Shaykh Ja'far Kāshif al-Ghiṭā' who played a mediating role in the attempt to free the war prisoners after the Perso-Ottoman border conflict of 1221/1806 and this entitled him the designation of "intercessor".³¹ Kāshif

²⁹It is worth emphasizing that, in our account, the mechanics of making public opinion has functioned in Muslim society according to their various informal characteristics. However, Roy Mottahedeh writes

since the ulama were so loosely defined and so unstructured, it is wrong to think that they represented the voice of popular opinion; their internal disagreements and their other identities—as members of the *a'yan*, for example—meant that if they occasionally acted as a spokesman for the people as a whole, they usually acted as a spokesman for only a segment of the populace, or even for very limited groups with shared interests.

See Mottahedeh, *Loyalty*, p. 137. See also Amanat, "In Between...", pp. 98-102.

³⁰Hairi, *Nakhustīn*, p. 325-27. By calling it a "mutual consultation", Mīrzā-yi Qummī illustrates the non-judicial nature of *Irshād Nāma*. The same Qummī, in his *Jāmi' al-Shattāt*, corroborated the exclusive authority of the ulama according to the tradition of Ibn Ḥanẓala.

³¹Ibid., Kāshif al-Ghiṭā's son Shaykh Mūsā, too, mediated between Iran and the Ottoman Empire to facilitate the pilgrimage to the holy shrines of 'Atabāt. See Najafi, *Jawāhir al-Kalām*, v.1., Introduction by Muḥammad Riḍā Muẓaffar, p. 10.

al-Ghiṭā' mediated between the public and the state in several respects. The way in which our sources reported his role in appointing the Shāh as his deputy gives the impression that he was essential in formulating the notion of *idhn-i saltanat* (permission to reign) which incorporated the legitimizing role of the *mujtahid* into the very principle of rulership.

The *marja'iyat* provided the ultimate support of the intermediary role of the local *mujtahids*. This led to an increasing conflict between the local governors and the *mujtahids*. The *mujtahids* often appeared successful in inciting the townspeople to expel the local governors on the charge of oppression. Algar has a passage on the intervention of Shaykh Anṣārī for the return of a *mujtahid* who was banished by Muḥammad Shāh to Najaf:

Sayyid Muḥammad Bāqir Qazvinī Mujtahid, on returning from his studies at the 'atabāt, spent some time with Ḥājji Sayyid Muḥammad Bāqir Shaṭṭī in Isfahan before taking up residence again in Qazvin. There he encouraged the townspeople to expel an oppressive governor and was banished by Muḥammad Shāh to Najaf for so doing. The intervention of Shaykh Murtaḍā Anṣārī persuaded the Shah to permit his return, but again he insisted on intervening in public affairs. The author of the *Qīṣaṣ ul-'Ulamā'*, Muḥammad b. Sulaymān Tunukābunī, attempted to dissuade him from so doing, but was told: 'When I desired to take my leave of Ḥujjat ul-Islam Sayyid Muḥammad Bāqir he enjoined me not to be idle in matters concerning the needs of the Muslims, and to exert myself in promoting their affairs.'³²

Another channel in which the ulama in general and *marja's* in particular functioned as intermediaries is in their traditional commitment to serve the cause of justice through the office of *muḥtasib*. The principle of promoting good and forbidding evil is an essential part of Islamic law, which connects the role of the ulama to the governing establishment. In their study of Islamic society in the eighteenth

³²Algar, *Religion and State*, p. 117.

century, Gibb and Bowen pointed out this role in the context of the relation between the learned and the ruling institutions:

On the other hand, the ulama stood for the maintenance of established rights against the tyranny of the governors. Unlike agriculture, industry, and commerce, the religious institutions claimed a voice in the government of the state, and its right of participation and control was generally recognized, if not always observed in practice. ...and the people in general still looked up to the ulama as their leaders in their relations with the rulers. Although the religious vocation was often hereditary, the equalitarian ideals of Islam kept its ranks open to the scholars of every class and country; and notwithstanding the corruption that tainted the higher castes of the ulama, they remained as a body conscious of their duty to preserve the religious and ethical tradition inherited from generation to generation of their predecessors.³³

The Shi'ite ulama's practice of assuming the duty of enjoining good and prohibiting evil found new momentum during the Qajar period where the influence of the *mujtahids* was welcomed by the reigning monarchs (except for Muḥammad Shāh and Muḥammad 'Alī Shāh). The supreme *mujtahids* of the early Qajar period extended the scope of their role by not only writing new books of *fiqh* but also new treatises on the necessity of implementing all Islamic penal and civil law.³⁴ The one who reached a new peak in the exploitation of this pretext for his personal ambition is Ḥujjat al-Islām Shafī. He began his career as qadi in Isfahan and promptly turned his house into a sanctuary (*bast*),³⁵ a shelter for the urban brigands (*lūṭīs*). Shafī was severe in executing criminals;³⁶ nevertheless he gave shelter in his house to some *lūṭīs*

³³Gibb and Bowen, *Islamic Society and the West*, vol.1, part 2, p. 110.

³⁴E.g. *al-Ḥaqq al-Mubīn* by Shaykh Ja'far Kāshif al-Ghiṭā' and *al-Risāla fī Iqāmat al-Ḥudūd* by Muḥammad Bāqir Shafī.

³⁵*Bast* as a litigation process seems to be a result of the development of holy shrine pilgrimage in the late Safavid period. During the Qajar period, this practice was extended to include the house of *mujtahids* when the holy shrine was not accessible. For a brief survey on the *Bast*, see 'Abbās Khālīshī, *Tārīkhcha-yi Bast va Bastnīshīnī* (Tehran: 'Ilmī, 1987).

³⁶See 'Abbās Iqbāl Āshtiyānī, "Ḥujjat al-Islām Shafī," *Yādgar* 10 (1949), p. 41.

who were only a specific kind of criminal. This indeed exhibits the double standard which Shafī introduced in his implementation of Shi'ite law. What Shafī really hoped to achieve by recruiting urban brigands and accumulating wealth seems to go beyond the scope of mediating between ruler and ruled. Algar assesses the relationship between Shafī and the *lūṭīs* in the following manner:

They represented a force that might be pitted against the government; and the sanctuary afforded by mosques and the residences of the ulama was their ultimate protection against retaliation.³⁷

The first two sole *marja's*, i.e. Najafī and Anṣārī did not set the precedent of direct involvement in political affairs; their activities were concentrated in the doctrinal sphere. Nevertheless, their successor, Shīrāzī allowed the high status of *marja'iyat* to be engaged in the socio-political matters. During the massacre of the Shi'ite tribe of Hazāra by a British *protégé*, 'Abd al-Rahmān, Shīrāzī could not remain indifferent and, by writing to Nāṣir al-Dīn Shāh and the Queen of England, he mediated for the protection of the Shi'ite minority in Afghanistan.³⁸ The precedent set by Shīrāzī was followed by his successors especially Khurāsānī who did not fail to support the Iranian Constitutional Movement. In an attempt to serve the cause of justice,³⁹ he advanced the function of *marja'iyat* beyond the point it had reached under Shīrāzī in the Tobacco Episode.

C. The Function of *Marja'iyat* in the System of Checks and Balances

In connection with their role as intermediaries, some *marja's* advanced the scope of the *marja'iyat* so that by virtue of the system of checks and balances it

³⁷Algar, *Religion and State*, p. 110.

³⁸Aqīqī Bakhshāyishī, *Fuqahā*, p. 374.

³⁹See Aḥmad Kasravī, *Tārīkh-i Mashrūṭa-yi Irān*, 2 vols. (Tehran: Amīr Kabīr, 1330/1951), v.1, p. 382. Also Nāẓim al-Islām Kirmānī, *Tārīkh-i Bidāri-yi Irāniān*, 2 vols. (Tehran: Ibn Sīnā, 1324/1945), pp. 264-69.

operated informally without being an organ of the government. This function which is illustrated by Shīrāzī's celebrated ruling in favor of boycotting the use of tobacco, can hardly be paralleled in Sunni or even Shi'ite history before the thirteenth/nineteenth century. In practice, this function was devolved upon *marja's* by the socio-religious mechanism of the time rather than the work of their ambitions or personalities. The very text of the above ruling was spread on the authority of the *marja'* even before Shīrāzī had signed it.⁴⁰ Shīrāzī had already warned Nāṣir al-Dīn Shāh against the concession of the tobacco monopoly warning that it was the beginning of foreign economic influence in Iran. Shīrāzī even empowered his representative, Mīrzā Ḥasan Āshīyānī in Tehran "to act on his behalf in combating the monopoly";⁴¹ however, it was the harmony between the merchant and religious classes of Tehran, Tabriz, Isfahan, Mashhad and Shiraz that generated such a socio-political situation which was suitable for the application of the *marja's* rulings. Shīrāzī's pronouncement⁴² not only overruled the decision of the sovereign king but also demonstrated that the *marja'iyat* could check the monarchical absolutism in Iran.

Before the above ruling, we do not come across any juridical declaration which had such a socio-religious influence on the economic relationship between two countries. Traditionally, the two kinds of juridical declarations which had socio-political implication usually belong to the category of *takfir* (excommunication) and declaring *jihad*. It was the latter which had direct impact on the internal and external

⁴⁰See Ibrāhīm Taymūrī, *Tahrīm-i Tanbākū*, (Tehran: Jibī, 1979), pp. 82-106., Humā Nāṣiq, "Sarāghāz-i Iqūdār-i Iqtisādī va Siyāsī-yi Mullāyān," *Alifbā*, 2 (1983), p. 53., Algar, *Religion and State*, pp. 210-15.

⁴¹Algar, *Religion and State*, p. 211.

⁴²Shīrāzī's pronouncement on boycotting tobacco is legally a *ḥukm* (ruling) not a *fatwā* (legal opinion). Nevertheless, it is often acknowledged as a *fatwā*. This difference was discussed at the time of the boycott. See Taymūrī, *Tahrīm*, p. 120.

relationships of the Muslims. In the realm of practice, the declaration of *jihād* is the final step which the *mujtahid* can take to change an unfavorable situation when the procedure of promoting the good and prohibiting evil is ineffective. The ruling on the Tobacco Monopoly is categorically due to the above procedure and its authority can be justified with the tradition concerning the superiority of the Muslim community (*al-islām ya'ālū wa lā yu'ālā 'alayh*) and the principle of "no harm nor accepting harm in Islam" (*lā ḍarar wa lā ḍirār fī'l-islām*). However, its functional effects could be enhanced by the declaration of *jihād*. In the case of the Tobacco Monopoly, the possibility of proclaiming *jihād* by the same Shīrāzī was rumored in Tehran after the spread of the first ruling.⁴³

Dismayed by the growing problem now reinforced by the street demonstrations, the government of Nāṣir al-Dīn Shāh called the ulama of Tehran for consultation and joint undertaking to alleviate the situation. After two meetings, the government agreed to cancel the contract of the Tobacco Concession in exchange for the ulama's cooperation in stabilizing the situation. It seems that neither the ulama nor Shīrāzī intended to weaken the central government at this point. Shīrāzī's main concern, as depicted in his letters to the Shah was that the Shi'ite state should not be subjected to foreign influence.⁴⁴ At any event, it was after this meeting that Nāṣir al-Dīn Shāh said: "I should renew the tradition of consulting with the ulama. The ulama must be consulted on main issues of state affairs."⁴⁵ This promise, indeed, did not produce a formal consultative body of ulama in the state, but contributed to the practical supervision by the ulama, especially the *marja's*, of state affairs. For this reason, we

⁴³Taymūrī, *Tahrīm*, p. 133.

⁴⁴Ibid., pp. 86-97.

⁴⁵Ibid., p. 196.

may conclude that Shīrāzī as a *marjaʿ* not only overruled the state decision but checked the monarchical absolutism in an unprecedented fashion. A letter written by Nāṣir al-Dīn Shāh to Shīrāzī after the Tobacco Episode, indicates the change of attitude in his treatment of Shīrāzī.⁴⁶ Muḥammad Muṣaddiq, who was trained under the Qajars, found the practice of consulting with religious dignitaries established enough to mention it as an advantage for the Qajars:

Under the Qajar kings, the foreign states could not sign a contract with Iran without the agreement of several groups of ministers, ulama and influential dignitaries. This usually required time and money without any guaranteed result.⁴⁷

Another by-product of Shīrāzī's triumphant ruling was a heightened consciousness of the far-reaching authority which the Shi'ite masses could accord to the office of *marjaʿ*. The same Shīrāzī, as we saw in the case of the Shi'ite minority in Afghanistan exploited this authority again by persuading Nāṣir al-Dīn Shāh to use his diplomatic effort to stop the suppression of Shi'is in Afghanistan.⁴⁸

Shīrāzī's successor, Khurāsānī, benefitted from this consciousness and extended the function of the *marjaʿīyat* within the system of checks and balances. He not only helped his fellow Iranians to form a parliament in Tehran but, as we will see below, he took the responsibility of legitimizing part of its legislations which were concerned with modern notions such as banking, military reform, etc.. Khurāsānī's point of departure was to serve the cause of justice which eventually extended the restrictions of the power

⁴⁶Despite his customary royalistic tone, the Shah now addressed Shīrāzī as *Ḥujjat al-Islām* in a respectful manner. See Taymūrī, *Taḥrīm*, p. 18.

⁴⁷Muḥammad Muṣaddiq, *Khāṣirāt va Taʿammulāt*, ed. Īraj Afshār (Tehran: Intishārāt ʿIlmī, 1986), p. 200.

⁴⁸Aqīqī Bakhshāyishī, *Fuqahā*, p. 198

and privileges enjoyed by the Qajar kings.⁴⁹ Khurāsānī, indeed, did not initiate such a structure for his intervention, on the contrary, public opinion in Iran, now aware of the authority placed in the position of *marjaʿ*, desired the deployment of his influence.

Khurāsānī, Mirzā Ḥusayn Tihrānī and Shaykh ʿAbdullāh Māzandarānī sent a number of *farwās*, rulings and guiding outlines to the people and government of Iran which illustrate the supreme role which they assigned to the *marjaʿ* in balancing the power of government and the Majlis (the parliament).⁵⁰ It was Khurāsānī who along with Māzandarānī ruled in favor of the rebellion against Muḥammad ʿAlī Shāh and prohibited the payment of taxes to an oppressive government.⁵¹ This ruling built the psychological basis of the urban and tribal resurgence against the central government that eventually toppled Muḥammad ʿAlī Shāh in 1327/1909. It is remarkable that Khurāsānī had already given a ten article guideline⁵² to the same Shah at the beginning of his reign. The contents of this guideline, as contrasted with his later ruling of excommunication of the Shah, is a clear demonstration of the restraining role played by Khurāsānī. In contrast with Shīrāzī, who seems to have considered the modern notions such as banking as elements of foreign influence in Islamic territory,⁵³ Khurāsānī justified such a new phenomenon according to the purposes they would serve. He ruled in favor of the legalization of banking, military service and new colleges since they could serve the cause of justice and prosperity according to Islamic rules.

⁴⁹Kasravi, *Tārikh-i Mashrūʿa*, v.1, p. 264., Abdul Karīm Lāhijī, "Constitutionalism and Clerical Authority," *Authority and Political Culture in Shiʿism*, ed. Amir Arjomand, p. 133.

⁵⁰For a concise collection of Khurāsānī's messages see ʿAbdul-Ḥusayn Majīd Kafāʾī, *Margī dar Nūr* (Tehran: Zuvvār, 1980).

⁵¹Ibid., p. 183.

⁵²Ibid., pp. 179-82.

⁵³Taymūrī, *Taḥrīm*, p. 88.

1 Khurāsānī's way of legalizing new notions in accordance with Islamic rules was doctrinally expanded by Muḥammad Ḥusayn Nā'inī who wrote a special treatise to harmonize the parliamentary system and Shi'ite principles of Imamate. Nā'inī legitimized the elected assembly by declaring that it would be a deterrent and a restraining power which could perform the task of *'isma* (infallibility of the Prophet and Imams) under the supervision of the *mujtahids* during the Occultation. If the division of power and the separation of responsibilities could not replace the absent power of *'isma* these could at least function as a means to serve the cause of justice, equality and freedom.⁵⁴ Nā'inī leaves no doubt that the legitimate government in the absence of the Imam belongs to the learned vicegerents of the Imam. Since this right was usurped by the ruling powers and the usurpation could not be eliminated, it was preferable that the government's decision be supervised by the Imams' vicegerents.⁵⁵ Among the Usuli ulama of the Qajar period, we have instances of tyrannical *mujtahids* whose ambitions exceeded the limits of checks and balances provided by the hierarchical system. We have already seen the example of Ḥujjat al-Islam Shafī who acted as an absolute authority in Isfahan. Almost thirty years after Shafī, Āqa Najafī Isfahānī, a local *mujtahid*, dominated the social life of Isfahan with a similar vigor. This kind of Usuli absolutism reached a new peak with shaykh Faḍlullāh Nūrī (d.1229/1911) who subjected Iranian constitutionalism to certain conditions which could prevent it from performing its characteristic function, representation of the people in an elected assembly.⁵⁶ This trend was defeated by the unfailing support of Khurāsānī for constitutionalism. However, it signalled the existence of the absolutist

⁵⁴Nā'inī, *Tanbih al-Umma*, pp. 56-59.

⁵⁵*Ibid.*, pp. 47-50, 101.

⁵⁶See Muḥammad Turkaman, *Maktūbāt, I'lāmiyahā*, v. 2, pp. 268-328.

elements in the Usuli camp. Amir Arjomand, emphasizing the role of Yazdī, Nūrī and local *mujtahids* such as Mīrzā Ḥasan Tabrizī and Mullā Qurbān ‘Alī Zanjānī describes the typical *esprit de corps* of the clerical class as "religious Nationalism":

It seems most appropriate to characterize the supra-personal aspect of the political orientation of the *ulama* as *religious nationalism*, with their attitudes towards the parliamentary government being determined pragmatically—in accordance, that is, with their assessment of its likely effect in the strengthening or, conversely, the weakening of Islam. Venality and personal interests apart, the general consideration which determined the *ulama*'s attitude towards the Constitution was its potential consequences for Islam.⁵⁷

D. Defense of the Shi'ite Land

The political upheaval of the Middle East at the beginning of the twentieth century necessitated a new priority in the function of *marja'iyat*, i.e. the defense of Shi'ite land and at the same time it provided a common cause with other Muslim nations which were subjected to colonial invasions. The *marja's* of Najaf strongly reacted to the Anglo-Russian invasion of Iran in 1328/1910. When the Russians prolonged the occupation of Azarbayjan resulting in bloodshed, Khurāsānī asked the Majlis to undertake a proper action and warned the parliament that he would otherwise rule for boycotting the Russian-made goods.⁵⁸ A few weeks later, however, Khurāsānī and Māzandārānī had to issue such a ruling which was subsequently followed by the proclamation of *jihād* against the Russian presence in Iran.⁵⁹ Khurāsānī and Māzandārānī did not content themselves with the declaration of *jihād*, but decided to move into Iran to organize the *jihād* movement which Khurāsānī had initiated. He passed away on the morning of their departure.

⁵⁷Said Amir Arjomand, "The Ulama's Traditionalist Opposition to Parliamentarianism: 1907-1909," *Middle Eastern Studies* 17 (1981), p. 1985.

⁵⁸Kafā'i, *Margī dar Nūr*, pp. 240-41.

⁵⁹*Ibid.*, pp. 264-69.



Between the death of Khurāsānī and the rise of Ayatollah Burūjirdī, the socio-political stand of the *marjaʿiyat* is marked by two different tendencies: i) to secure the status quo by opposing any change which would invite foreign influence, and ii) to adopt changes in accordance with Islamic principles and to actively protect Shiʿite land against imperialistic domination. The first trend was represented by Sayyid Muḥammad Kāzīm Yazdī and Shaykh Sharīʿat Iṣfahānī. The second current was led by Māzandarānī, Mirzā Muḥammad Taqī Shīrāzī and to a limited extent by Nāʾinī and Sayyid Abū'l-Ḥasan Iṣfahānī. The shift of emphasis to the political destiny of Shiʿite territory, however, remains an important element in determining the place of the *marjaʿiyat*. Even conservative *marjaʿs* such as Yazdī and Sharīʿat Iṣfahānī, issued *fatwās* for the defense of Muslim nations⁶⁰ but the tone and the timing of their declarations indicate that active resistance was not their primary concern.

On the other hand, Māzandarānī and particularly Shīrāzī II proclaimed *jihād* in the most needy times. Shīrāzī II's ruling is recorded as one of the most influential factors in Iraq's resistance movement in 1338/1920 wherein he not only declared *jihād* against the British mandate in Iraq but also ruled that *zakāt* taxes should be spent for financing the armed struggle.⁶¹ Although Shīrāzī II died four months after his last *fatwā*, the movement that he led managed to witness the creation of Iraq headed by a Muslim government. His political intervention in Sunni dominated Iraq highlights the productivity of an almost one century -old independent institution of *marjaʿiyat* which could demonstrate its traditional strength in a delicate situation.

⁶⁰Ali Davānī, *Nihzat-i Rūhāniyūn-i Irān*, 10 vols. Tehran: Bunyād Imām Riṣā, 1981), v.1, pp. 205-27. See also Abdul-Hadi Hairi, "The Responses of Libyans and Iranians to Imperialism," *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, (1980), pp. 372-92; ʿAlī al-Wardī, *Lamahāt Ijtimāʿiya*, v.3., p. 188 and Aqīqī Bakhshāyishī, *Fuqahā*, pp. 385-89.

⁶¹Ibid.

After the creation of Iraq, the *marja'iyat* suffered a temporary political setback. In 1341/1922 in protest against continued British presence in Iraq, Iṣfahānī, Nā'inī and Sayyid Mahdī Khālīṣī⁶² prohibited the constitutional election of the new state of Iraq. When the English authorities deported Ayatollah Khālīṣī to the Hijaz, Iṣfahānī, Nā'inī and several other ulama protested this action by deciding to leave Iraq for Iran. The two above *marja's* arrived at Qum in order to join Ayatollah Ḥā'inī, the third member of the collective leadership who had also been under pressure by the modernizing movement of the Pahlavi government. Although influential among the people, the above *marja's* realized that time was on the side of the modernists and the religious leaders could not play a more influential role than that which they assumed during the Constitutional Movement of Iran and the resistance movement in Iraq.

Iṣfahānī and Nā'inī returned to Najaf six months later, although the institution of *marja'iyat* was now checked by the modernizing currents and seemed to withdraw from direct political involvement. Nevertheless, in later decades, *marja'iyat* resumed its socio-political role first, in the anti-communist drives and second, in the Islamic revival movements. In the wake of all of the above functions performed by the *marja's*, we may conclude that *marja'iyat*, because of its independent and mediating character managed to play a significant role in checking the unbalanced division of power in the Shi'ite state of Iran and led the national movements for the defense of Shi'ite land and constitutionalism. This leading role in the national destiny, although later overshadowed by modernizing trends, still left the impression of a renewable precedence.

⁶²Sayyid Mahdī Khālīṣī was a prominent *mujtahid* of Kāzīmāyn.

CONCLUSION

The evolution of the Shi'ite learned institution is not only marked with the development of knowledge of the Qur'an and the traditions but also with the authority of the Imams to present such knowledge. This gave a new dimension to the character of Shi'ite ulama, which in marked contrast to their Sunni counterparts, gradually enhanced their position from *muftī*, a regular jurist whose opinion is valid in a specific legal case, to the supreme source of emulation, *marja'-i taqlīd* who sets the pattern for the whole community. The process they went through was complicated by several Akhbari, Sufi and Shaykhi trends each of which, among other things, offered a different approach to the authority of the Imams. However, it was the rational interpretation of the traditions which predominated and gained recognition as the Usuli orthodoxy. This orthodoxy, while incorporating elements of the charismatic representation of the Imam of the Age, did not commit itself to performing saintly and miraculous acts nor did it directly jeopardize the ruling establishment.

Representing the authority of the Hidden Imam through rational interpretation of the Imams' teachings seems suited to the Shi'ite tradition of informality which does not acknowledge the legitimacy of a formal presence of any leadership but the Twelfth Imam. This kind of representation demonstrates not only the deeply rooted structure of informality among the Shi'is but also the absence of legitimacy which can be seen as an underlying element for such informality. The periodic crises of legitimacy, which gave birth to Shi'ism itself, continued to fashion its institutions. The development of the office of *niyāba* (vicegerency from the Imam) appears to be a natural response to the above crises. Through this office, the Shi'ite jurists elevated the notions of formal *naṣṣ* and *naṣb* (the designation of the Imams) to the category of *kalām* theology while connecting the unidentified and informal character of *al-nuwwāb al-ʿamma* to the legal rules of *ijtihād* and *taqlīd* both having immediate practical applications.

In the above manner, the Shi'ite ulama provided legitimacy for their role as *mujtahid* on the authority of the Imam of the Age. Despite its informality, this pretext proved to be a relatively stable structure of authority which withstood the changing governments and several millenarian movements.¹ Compared to its Sunni counterpart, the Shi'ite learned structure appears to be more authoritative and more alienated from the ruling establishments. This alienation seems to be part of the policy adopted by the Shi'ite ulama in order to secure their independent structure of authority.² In the end, however, it comes to terms with the governing powers, claiming, at the very least, the pretension of exigency. This does not differ much from the Sunni manner of justifying an oppressive government.³

The informal structure of the ulama's authority survived the socio-political upheavals after the Mongol attacks and successfully fought back a number of Sufi Mahdistic revolts. This kind of messianic pretext which could successfully engineer

¹D. B. Macdonald's following description of the ulama in general seems quite applicable to the post Safavid Shi'ite *mujtahids*: "It is plain that the organization of the ulama was the solid framework of permanent government behind these changing dynasties." See "Ulamā", *Encyclopædia of Islam* (Leiden: E.J. Brill, 1934), vol. 4, p. 994.

²See above Part II, Chapter Four.

³The Shi'ite ulama justified the pretext of exigency according to the statement of Imam 'Alī, recorded in *Nahj al-Balāgha*. This tradition says,

...There is no escape for men from the ruler, good or bad. The faithful persons perform good acts in his rule while the unfaithful enjoy worldly benefits in it. Through the ruler, tax is collected, the enemy is fought, roadways are protected and the right of the weak is taken from the strong till the virtuous enjoys peace and the wrongdoer is corrected.

See Sharīf al-Raḍī *Nahj al-Balāgha*, ed. Muftī Ja'far Ḥusaynī (Qum: Barrasīhā-yi Islāmī, 1975), p. 199. Among the recent ulama who relied on the pretext of exigency is Muḥammad Ḥusayn Nā'īnī. See his *Tanbih al-Umma*, pp. 46-47, 90. Concerning the Sunni application of the pretext of exigency, see Erwin Rosenthal, *Political Thought in Islam: an Introductory Outline* (London: Cambridge University Press, 1962), pp. 38-51.

several millenarian movements⁴ failed to produce any stable institution to ensure their survival. Their direct but superficial attachment to the authority of the saviour Imam was seriously questioned by the orthodox ulama who spent centuries developing a rational interpretation for the deputization of this authority.

Nevertheless, the Usuli ulama found themselves threatened from an unexpected source. The Akhbari controversy arose from the reverse side of the above process. The Akhbaris found the Usulis too formal and too advanced in the investiture of authority to the *mujtahids* and demanded a more informal framework with unidentified sources of legitimacy. This kind of negative approach to authority, however, was considered less dangerous and the Akhbaris remained within the camp of the Shi'ite orthodoxy as they still pursued their studies in Najaf and Qum.

Despite the success of an originally Sufi-Shi'i millenarian movement, the Qizilbāshīya, which combined Twelver-shi'i and Sufi concepts of legitimacy with the Persian principle of kingship, the structure of authority in Shi'ite thought did not change. It did, however, bring the ulama into a closer association with the governing institution. The founder of the Safavid dynasty, Shah Ismā'īl, soon realized that he needed the cooperation of the Shi'ite ulama more than the Mahdistic and exaggerative tenets of his own movement.⁵ By inviting the Shi'ite jurists of Jabal 'Āmil, Shāh

⁴See above Part I, Chapter Three.

⁵In fact, the messianic tenet of the Qizilbāsh movement declined in 917/1511 when Shah Ismā'īl was reluctant to help the Ghulāt movement of the Takkalū tribes, and after the defeat of Chāldarān in 918/1512, the Shah's belief in being inspired by the Imams was shaken. See Z. Šābitiyyān, *Asnād va Nāmā-yi Tārīkhī-yi Dawra-yi Šafavī* (Tehran: Ibn Sīnā, 1964), p. 115-17; Raḥīmzāda Šafavī, *Sharḥ-i Janghā va Zindagānī-yi Shāh Ismā'īl* (Tehran: Khayyām, 1962), pp. 397-400. Nevertheless, Amir Arjomand seems to consider the contexts of "the shadow of God" and "the Hidden Imam" to be generally combined during the Safavid period:

The structure of domination that came to prevail in the Safavid period contained a fundamental contradiction that remained unresolved because of the overwhelming power of the state. This contradiction consisted in

Ismā'īl chose to employ the juridical trend of Shi'ism for the dissemination of his ideology. As a result, the ulama attained the spiritual leadership of the Shi'ite state while the development of Twelver Shi'ite jurisprudence was little affected by the Qizilbāsh movement.

Despite the Qizilbāsh Mahdistic pretension and the close association of the ulama with the Safavid court, Shi'ite jurisprudence remained indifferent to the problem of legitimacy of the government. Even the cooperation of the most pious Safavid king, Tahmāsb, with the most learned *mujtahid* of the time and the vicegerent of the Imam did not produce legitimacy for the government any more than the legalization of *kharāj* (land tax) and *ḥiṣṣat al-sultān* (a wheat tax) as Karakī proposed.⁶ This was immediately challenged by the contemporary pious trend represented by Ibrāhīm Qatīfī and Muqaddas Ardabīlī.⁷ The dispute of Qatīfī typifies the resistance of the Shi'ite ulama to any official institutionalization which is related to the temporal powers.

In the following century, nevertheless, the time was ripe for the institutionalization with the emergence of the independent position of *marja'-i taqlīd*. This position imposed an informal but strong hierarchical relationship on the ulama and on the Shi'ite community. We have seen how the development of popular religion, particularly the pilgrimage to the holy shrines, contributed to the financial independence of the learned institutions of Ātabāt since the late Safavid period.⁸ We also examined

the monarch's pretension to hierocratic authority as the representative of the Imam of the Age, which was rooted in the extremist Shi'ism of the turkman tribesmen and was perpetuated by effective political power.

See Arjomand, *The Shadow of God*, p. 262.

⁶Modarrisi Tabataba'i, *Kharāj in Islamic Law*, pp. 163-66; Concerning the *ḥiṣṣat al-sultān* see Muḥammad Ḥasan Najafī, *Jawāhir al-Kalām*, v.15., p. 225.

⁷Ibid.; Newman, "The Development...", v.2., pp. 785-89.

⁸See above, Part II, Chapter Two.

how the principle of *a'lamīyat* necessitated superiority in terms of *ijāhād* and identified the charismatic status of the vicegerent of the Imam with the most learned *mujtahid*.

The office of *marja'īyat* still could not solve the problem of its multiplicity and geographic diversity. But there were occasions wherein the head of the Shi'ite learned hierarchy singled out one person as the sole source for emulation who virtually combined leadership with superiority in learning. The newly institutionalized form of the Shi'ite hierarchy and its well-established ties with the local *mujtahids* and the professional classes were not regarded by the community as having strong political implications unless the occasion for such an application arose, as in the Tobacco episode.⁹ The immediate and widespread effect of Shīrāzī's ruling which prohibited the use of tobacco, demonstrated that the deep-rooted influence of the Shi'ite learned institutions could voice the social protest better than their traditional rivals such as the Sufis and Shaykhis. The discontented liberal forces began to look at the 'Atabāt as a channel through which to express opposition. This is evident in the letters sent by Sayyid Jamāl al-Dīn Asadābādī (Afghani) to Shīrāzī after the Tobacco Episode.¹⁰

The role played by Khurāsānī in the constitutional movement of Iran is a clear demonstration of the broader communication between the *marja'īyat* and the Iranian professional classes as well as with the liberal forces. Khurāsānī's rulings on the legalization of banking, new armies and colleges indicate the kind of relationship which he developed with the modernizing forces. The *marja'īyat*, under Khurāsānī, was considered to be the seal of legitimacy for any situation. His ruling which called

⁹See above Part II, Chapter Three.

¹⁰Humā Naṭīq, "Sarāghāz-i Iqīdār," *Alifbā*, 2 (1983), p. 53.

for the revolt against the despotic reign of Muḥammad ʿAlī Shāh is considered to be the most effective factor for urban and tribal rebellions in Azarbayjan and Isfahan.¹¹

The ways in which various segments of Shiʿite society sought the *marjaʿ* of Najaf, Khurāsānī, to channel their opposition, to legalize modern notions and to proclaim *jihād* against foreign invasion, gives indications that the socio-political capacity of the Shiʿite learned hierarchy was sufficiently developed to function in place of the public institutions which never fully developed. In a society in which legitimacy crises seem to involve both the governing establishment and its opposition, the religious institutions naturally appeared to be the only legitimate means left which could intervene. This is part of the reason why the *marjaʿ*s, in several instances, had to legitimize both the government and its opposition according to the limits which they determined. This is apparent in the Tobacco Episode and the Constitutional Movement of Iran.¹²

The waves of modernization in the early twentieth century raised the hope for the establishment of a new legitimate coordination of Shiʿite society; but its overall failure, especially the failure of the parliamentary system in Shiʿite countries, left little choice for people but to come back to their traditional means of legitimation. Seeking legitimacy from the tradition, which had never found a thoughtful alternative during the modernizing period, was revived with renewed vigor. The source of emulation, in this manner, re-emerged as the source of legitimacy for social contexts.

¹¹Kafāʾī, *Margī dar Nūr*, p. 183.

¹²The letters and telegrams of Shīrāzī to the King and the ulama show this double-sided approach. See Taymūrī, *Taḥrīm*, pp. 93, 97, 196-202. For Khurāsānī's approach, see Kafāʾī, *Margī dar Nūr*, pp. 141-238.

REFERENCES

- Abū Zahra, Muḥammad. *Muḥāḍarāt fī Uṣūl al-Fiqh al-Jaʿfarī*. Cairo: Dirāsāt al-ʿArabīya, 1956.
- Ādamīyat, Fraydūn. *Andīsha-yi Taraqqī va Ḥukūmat-i Qānūn*. Tehran: Khwārazmī, 1977.
- Aḥsāʾī, Shaykh Aḥmad b. Zayn al-Dīn. *Ḥayāt al-Nafs*. Introduction by Muḥammad b. Mūsā Thiqat al-Islām. Tabriz: Riqāʾī, 1958.
- _____. *Jawāmiʿ al-Kalim*. Tabriz: Lithograph, 1273/1856.
- _____. *Sharḥ al-ʿArshīya*. Lithograph: Kārkhāna-yi Mīrzā ʿAlī Khushnavī Tabrizī, 1278/1861.
- _____. *Sharḥ al-Fawā'id*. Tehran: Lithograph, 1274/1857.
- _____. *Sharḥ al-Ziyāra 'l-Jāmiʿa*. 4 vols. Kirman: Saʿādat, 1976.
- _____. *Thamānī ʿAshra Risāla*. Iran: Lithograph, 1298/1880.
- Aḥsāʾī, Ibn Abī Jumhūr. *ʿAwālī al-laʾālī al-Azīziya fī 'l-Aḥādīth al-Dīniya*. Ed. Mujtabā al-ʿIrāqī. Qum: , 1983.
- Akhavi, Shahrough. *Religion and Politics in Contemporary Iran*. Albany, New York: State University of New York Press, 1980.
- Algar, Hamid. "The Oppositional Role of the Ulama in Twentieth-century Iran." *Scholars, Saints and Sufis: Muslim Religious Institutions in the Middle East Since 1500*. Ed. Nikki Keddie. Berkeley, California: University of California Press, 1972, pp. 231-249.
- _____. *Religion and State in Iran 1785-1906: The Role of the Ulama in the Qajar Period*. Berkely: University of California Press, 1969.
- _____. "Shi'ism and Iran in the Eighteenth Century." *Studies in Eighteenth Century Islamic History*. Ed. Thomas Naff and Roger Owen. London and Amsterdam: Southern Illinois University Press, 1977, pp. 288-302.
- ʿAllāma Ḥillī. *Mabādī al-Wuṣūl*. Tehran: Lithograph, 1892.
- _____. *Taḥdhīb al-Wuṣūl ilā ʿIlm al-Uṣūl*. Tehran: Lithograph, 1890.
- _____. *Tadhkirat al-Fuqahāʾ*. 2 vols. Tehran: Litho-reprint, Maktaba Murtaḍawiya, 1388/1968.
- _____. *Taḥrīr al-Aḥkām*. Tehran: Lithograph, 1311/1895-1896.

- Amanat, Abbas. "In Between the Madrasa and Marketplace: The Designation of Clerical Leadership in Modern Shi'ism." *Authority and Political Culture in Shi'ism*. Ed. Said Amir Arjomand. Albany: State University of New York Press, 1988, 98-133.
- . *Resurrection and Renewal: the Making of the Babi Movement in Iran: 1844-50*. Ithaca and London: Cornell University Press, 1989.
- Āmidī, Şayf al-Dīn 'Alī b. Abī 'Alī. *al-Iḥkām fī Uṣūl al-Aḥkām*. 4 vols. Cairo: Dār al-Hadīth, n.d.
- 'Amidī Zanjānī, 'Abbās 'Alī. *Fiqh-i Siyāsī*. 3 vols. Tehran: Amīr Kabīr, 1989.
- 'Āmilī, Shaykh Bahā' al-Dīn. *Jāmi'-i 'Abbāsī*. Tehran: Lithograph, 1298/1880.
- 'Āmilī, Shaykh Ḥasan b. Zayn al-Dīn. *Ma'ālīm al-Uṣūl*. Ed. M. Muḥaqqiq. Tehran: Intishārāt 'Ilmī va Farhangī, 1985.
- Amīn, Muḥsin. *A'yān al-Shī'a*. 10 vols. Beirut: Dār al-Ta'arūf, 1986.
- Amīnī, 'Abd al-Ḥusayn Najafī. *al-Ghadīr fī'l-Kitāb wa'l-Sunna wa'l-Adab*. 11 vols. Beirut: Dār'l-Kitāb, 1967.
- . *Shuhadā' al-Faḍīla*. Najaf: al-Ghurā, 1936.
- Āmulī, Ḥaydar. *Jāmi' al-Asrār*. Ed. Henry Corbin and Osman Yahyā. Tehran: L'Institut Franco-Iranien, 1969.
- Anṣārī, Shaykh Murtaḍā. *Farā'id al-Uṣūl*. Ed. 'Abdullah Nūrānī. Qum: Nashr al-Islāmī, 1986.
- . *al-Makāsib*. Tabriz: Maṭba'a Itilā'āt, 1955.
- Anṣārī, Murtaḍā. *Zindagānī va Shakhṣīyat-i Shaykh Anṣārī*. Tehran: Itihād, 1960.
- 'Aqīqī Bakhshāyishī, 'Abdurrahīm. *Fuqahā-yi Nāmdār-i Shī'a*. Qum: Mar'ashī, 1405/1985.
- Arjomand, Said Amir. "Ideological Revolution in Shi'ism." *Authority and Political Culture in Shi'ism*. Ed. Said Amir Arjomand. Albany: State University of New York, 1988, pp. 178-209.
- . "Introduction: Shi'ism, Authority and Political Culture." *Authority and Political Culture in Shi'ism*. Ed. Said Amir Arjomand. Albany: State University of New York, 1988, pp. 1-22.
- . "The Mujtahid of the Age and the Mullā-bāshī: An Intermediary Stage in the Institutionalization of Religious Authority in Shi'ite Iran." *Authority and Political Culture in Shi'ism*. Ed. Said Amir Arjomand. Albany: State University of New York, 1988, pp. 81-98.

- . *The Shadow of God and the Hidden Imam*. London and Chicago: University of Chicago Press, 1984.
- . "The Shi'ite Hierocracy and the State." *European Journal of Sociology* 22 (1981), pp. 40-78.
- . "Traditionalism in Twentieth-Century Iran." *From Nationalism to Revolutionary Islam*. Albany: State University of New York, 1984, pp. 195-233.
- . *The Turban for the Crown*. New York and Oxford: Oxford University Press, 1988.
- . "The Ulama's Traditionalist Opposition to Parliamentarianism: 1907-1909." *Middle Eastern Studies* 17 (1981), pp. 174-190.
- Āshtiyānī, Sayyid Jalāl. "Dar Rithā-i Imām-i 'Ārifān". *Kayhān-i Andīsha* 24 (1989), pp. 3-7.
- . "Muqaddima". *Uthulūjiyā bā Ta'liqāt-i Qāḍī Sa'īd-i Qummī*. Trans into Arabic by Ibn Nā'ima al-Ḥimṣī. Tehran: Anjuman Falsafa 1970, pp. 1-19.
- . *Sharḥ-i Ḥāl va Ārā-i Falsafī-yi Mullā Ṣadrā*. Tehran: Niḥzat Zanān Musalmān, 1981.
- Astarābādī, Muḥammad Amīn. *al-Fawā'id al-Madaniya*. Bahrain: Litho-reprint, 1903.
- Ayoub, Mahmoud. *Redemptive Suffering in Islam: A Study of the Devotional Aspects of 'Āshūrā' in Twelver Shi'ism*. The Hague, Paris, New York: 1978.
- Āzhand, Ya'qūb. *Qiyām-i Shī'ī-yi Sarbidārān*. Tehran: Nashr Gustara, 1984.
- Baḥr al-'Ulūm, Muḥammad. *al-Ijtihād Uṣūluhu wa Ahkāmuhu*. Beirut: Dār al-Aḍwā', 1977.
- Baḥrānī, Shaykh Yūsuf b. Aḥmad. *al-Ḥadā'iq al-Nāḍira*. 25 vols. Najaf: Dār al-Kutub, 1957.
- Baṣrī, Abu'l-Ḥusayn Muḥammad b. 'Alī. *Kitāb al-Mu'tamad*. 2 vols. Damascus: al-Ma'had al-'Ilmī al-Fransī, 1965.
- Bayat, Mangol. *Mysticism and Dissent: Socioreligious Thought in Qajar Iran*. Syracuse: Syracuse University Press, 1982.
- Bihbihānī, Muḥammad Bāqir. *Risālat al-Ijtihād wa'l-Akhhār*. Tehran: Lithoprint, 1895.
- Bill, James Alban. *The Politics of Iran: Groups, Classes, and Modernization*. Columbus, Ohio: Merrill, 1972.
- Binder, Leonard. *The Ideological Revolution in the Middle East*. New York: Wiley, 1964.

- _____. *Iran, Political Development in Changing Society*. Berkeley and Los Angeles: University of California Press, 1962.
- _____. "The Proofs of Islam: Religion and Politics in Iran," in *Arabic and Islamic Studies in Honour of Hamilton Gibb*. Ed. George Makdisi. Leiden: E. J. Brill, 1966. pp.118-140.
- Browne, Edward G. *A Literary History of Persia*. 4 vols. 2nd ed. Cambridge: The University Press, 1928.
- Cahen, Claude. and F. Taeschner, "Futuwwa." *Encyclopædia of Islam*. New Edition. Leiden:EJ.Brill, 1965, v.II(C.G.), pp. 961-969.
- Cahen, Claude. "Ayyārī." *Encyclopædia Iranica* London, Boston and Henley: Routledge & Kegan Paul, 1988, v.III. F.2, pp. 159-163.
- _____. "Le problem de shī'isme dans l'Asie Mineure turque preottomane" *Le Shī'isme Imāmite*. ed. by Toufic Fahd. Paris: Presses universitaires de France, 1970. pp.115-129.
- Calder, Norman. "Accomodation and Revolution in Iraāmī Shī'ī Jurisprudence: Khumaynī and the Classical Tradition." *Middle Eastern Studies* 18 (1982), pp. 3-20.
- _____. "Khums in Imāmī Shī'ī Jurisprudence from the Tenth to the Sixteenth Century A.D.," *Bulletin of the School of Oriental and African Studies* 45 (1982), pp. 39-47.
- _____. "Zakāt in Imāmī Shī'ī Jurisprudence from the Sixteenth Century A.D.," *Bulletin of the School of Oriental and African Studies* 64 (1981), pp. 468-480.
- Calmard, J. "Marja'-i Taqlīd." *Encyclopædia of Islam*, New Edition, Leide: E.J. Brill, 1989+, v. 6, F.107-108, pp. 548-556.
- Chodkiewicz, Michel. *Le Sceau des saints prophétie et sainteté dans la doctrine d'Ibn Arabī*. Paris: Editions Gallimard, 1986.
- Chārdihī, Murtaḍā Mudarrīsī. *Shaykhigari va Bābigari*. Tehran: Furūghī, 1966.
- _____. *Sīmā-yi Buzurgān*. Tehran: Amīr Kabīr, 1956.
- _____. *Tārīkh-i Falāsifa-yi Islām*. Tehran: 'Ilmī, 1957.
- Cole, Juan. "Imami Jurisprudence and the Role of the Ulama, Morteza Ansari on Emulating the Supreme Exemplar," in *Religion and Politics in Iran*. Ed. Nikki Keddie. New Haven: Yale University Press, 1983, pp. 33-47.
- _____. "Shī'ī Clerics in Iraq and Iran 17127-1760: The Akhbari-Usuli Conflict Reconsidered," *Iranian Studies* 17 (1985), pp.3-35

- Cooper, John. "Allāma al-Hillī on the Imamate and Ijtihād." In *Authority and Political Culture in Shi'ism*. Ed. Said Amir Arjomand. Albany: State University of New York Press, 1988, pp. 240-50.
- Corbin, Henry. *L'Ecole Shaykhie en Théologie Shi'ite*. Trans. Fraydūn Bahmanyār. Tehran: Imprimerie Tābān, 1967.
- _____. *En Islam iranien: Aspects spirituels et philosophiques*. 4 vols. Paris: Gallimard, 1971-1972.
- Coulson, Noel J. *Conflicts and Tensions in Islamic Jurisprudence*. Chicago: University of Chicago Press, 1969.
- Crow, Douglas Sloan. "The Teaching of Ja'far al-Šādiq." M.A. Thesis. Montréal: McGill University, 1980.
- Davānī, 'Alī. *Nihzat-i Rūhāniyūn-i Īrān*. 10 vols. Tehran: Bunyād Imām Rizā, 1981.
- _____. *Mafākhir-i Islām*. 4 vols. Tehran: Amīr Kabīr, 1985.
- _____. *Vahīd-i Bihbihānī*. Tehran: Amīr Kabīr, 1983.
- Dawlatābādī, Yahyā. *Ḥayāt-i Yahyā*. 4 vols. Tehran: Ibn Sīnā, 1947.
- Dihkhudā, 'Alī Akbar. *Lughat Nāma*, 28 vols. Tehran: Majlis, 1946.
- Donaldson, Dwight Martin. *The Shi'ite Religion: A History of Islam in Persia and Irak*. London: Luzac, 1933.
- Dunbulī, 'Abdul-Razzāq. *Ma'āthir-i Sulṭāniya*. Tehran: Ibn Sīnā, 1972.
- Eliash, Joseph. "The Ithnā 'Asharī Juristic Theory of Political and Legal Authority." *Studia Islamica* 29 (1969), pp. 17-29.
- _____. "Misconceptions Regarding the Juridical Status of the Iranian 'Ulamā'." *International Journal of Middle East Studies* 10 (1979), pp. 9-25.
- Falsafī, Naṣrullāh. *Zindagānī-yi Shāh 'Abbās-i Avval*. 4 vols. Tehran: Dānishgāh, 1974.
- Fayḍ al-Kāshānī, Muḥammad Muḥsin b. Murtaḍā. *Ḥaqā'iq*. Trans. Muḥammad Bāqir Sā'idī Khurāsānī. Tehran: Shams, 1961.
- _____. *Kalimāt-i Maknūna*. Tehran: Farāhānī, 1963.
- _____. *al-Wāfi*. 3 vols Qum: Litho-reprint, Maktaba Mar'ashī, 1984.
- Fischer, Michael J. *Iran: From Religious Dispute to Revolution*. Cambridge: Harvard University Press, 1980.
- Fishāhī, Muḥammad Rizā. *Vāpasīn Junbish*. Tehran: Jāvidān, 1356/1977.

- Floor, Willem M. "The Lūtis-A Social Phenomenon in Qajar Persia." *Die Welt des Islam* 13 (1971), pp. 103-20.
- . "The Political Role of the *lūtīs* in Iran". in *Modern Islam: The Dialectics of Continuity and Change*. Ed. M.E. Bonne Albany: State University of New York Press, 1981, pp. 83-95.
- . "The Revolutionary Character of the Iranian Ulama: Wishful Thinking or Reality?" *International Journal of Middle East Studies* 12 (1980), pp. 501-524.
- Geyoushi, Muḥammad Ibrāhīm. "Al-Tirmidhī's Theory of Saint and Sainthood." *Islamic Quarterly* 15 (1971), pp.17-61.
- Ghazālī, Abū Ḥāmid Muḥammad b. Muḥammad. *Iḥyā' 'Ulūm al-Dīn*. 14 vols in 6. Cairo: Nashr al-Thaqāfa l-Islāmiya, 1938.
- . *al-Munqidh min al-Dalāl*. Cairo: Maktabat al-Anjalu, 1952.
- . *al-Mankhūl min Ta'liqāt al-Uṣūl*. Ed. M. H. Hītū. Damascus: n.d., n.p.
- . *al-Mustaṣfā min 'Ilm al-Uṣūl*. 2 vols. Beirut: Dār al-Kutub al-'Ilmiya, 1983.
- Gibb H. A. R. and H. Bowen, *Islamic Society and the West*. 2 vols. London: Oxford University Press, 1950-57.
- Gibb, H. A. R. *Studies on the Civilization of Islam*. Ed. Stanford J. Shaw and Richard Polk. Boston: Beacon Press, 1962.
- Gramlich, Richard. *Die Schiitischen Derwischorden Persiens Zweiter Teil Glaube und Lehre*. 2 vols. Wiesbaden, 1976.
- Gurjī, Abū'l Qāsim. "Ārā'-i Ghazālī dar 'Ilm-i Uṣūl." *Ma'ārif*. vol.1, no.3 (Dec 1984, Mars 1985), pp.141-177.
- . *Nigāhī bi Taḥavvul-i 'Ilm-i Uṣūl va Maqām-i ān dar Miyān-i 'Ulūm-i Dīgar*. Tehran: Dānishgāh, 1973.
- Hairi, Abdul-Hadi. *Nakhushtin Rūyā-Rū'ihā-yi Andīshagarān-i Irān*. Tehran: Amīr Kabīr, 1988.
- . "The Responses of Libyans and Iranians to Imperialism," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* (1980), pp. 372-92;
- . "Shi'ism and Constitutionalism: A Study of the Life and Views of Muḥammad Ḥusayn Nā'inī." Ph.D. Dissertation. Montreal: McGill University, 1973.
- Hallaq, Wael B. "On the Origins of the Controversy About The Existence of Mujtahids and the Gate of *Ijtihād*." *Studia Islamica* 63 (1986), pp. 129-141.
- . "Was the Gate of *Ijtihād* Closed?" *International Journal of Middle East Studies* 16 (1984), pp. 3-41.

- Hidāyat, Rizā Qulī Khān. *Majma' al-Fuṣṣḥā*. Tehran: Amīr Kabīr, 1957.
- _____. *Rawḍat al-Ṣafā-yi Nāṣirī*. Tehran: Khayyām, 1960.
- Hodgson, Marshall. *The Venture of Islam: Conscience and History in a World Civilization*. 3 vols. Chicago: University of Chicago Press, 1974.
- Hujwīrī, 'Alī Ibn 'Uthmān. *Kashf al-Maḥjūb*. Ed. Valentin Zhukofski. Tehran: Amīr Kabīr, 1957.
- al-Ḥurr al-'Āmilī, Muḥammad b. al-Ḥusayn. *Wasā'il al-Shī'a*. 20 vols. Tehran: Islāmīya, 1967.
- Ibn 'Arabī, Muḥyī'l-Dīn. *Fuṣūṣ al-Ḥikam*. 2 vols. Ed. Abū'l-'Alā 'Afīfī. Beirut: Dār al-Kitāb, 1946.
- Ibn Bābūya al-Ṣadūq, Muḥammad b. 'Alī b. Mūsā. *Ikmāl al-Dīn wa Itmām al-Ni'ma*. Tehran: Islāmīya, 1959.
- _____. *Ma'ānī al-Akḥbār*. Ed. 'Alī Akbar Ghaffārī. Tehran: Maṭba'at al-Ṣadūq, 1969.
- _____. *Man Lā Yahḍuruhu l-Faqīh*. Ed. Mūsavī Khursān. 4 vols. Najaf: Maṭba'at al-Najaf, 1957-58.
- Ibn Bazzāz, Tavakulī B. Ismā'īl. *Ṣafwat al-Ṣafā'*. Bombay: Maṭba'a Muṣaffarī, n.d.
- Ibn Idrīs al-Ḥillī, *Kitāb al-Sarā'ir*. Iran: Lithograph, 1290/1877.
- Ibrāhīmī, Abū'l Qāsim Ibn Zayn al-'Ābidīn Kirmānī. *Fihrist*. 2 vols. Kirmān: Sa'ādat, 1950.
- Imam, Muḥammad Kāzīm. "Dawra-yi Āghāz-i Fiqh." In *Hizāra-yi Shaykh-i Ṭūsī*. ed. 'Alī Davānī. Tehran: Dār al-Tablīgh Islāmī, 1970. pp. 80-106.
- Iqbāl Āshṭiyānī, 'Abbās. "Ḥujjat al-Islām Sayyid Muḥammad Bāqir Shafī." *Yādgar*. 10 (1949) pp. 28-42.
- _____. *Khāndān-i Nawbakhtī*. Tehran: Ṭahūrī, 1978.
- _____. *Tārīkh-i Mughul*. Tehran: Amīr Kabīr, 1962.
- Iṣfahānī, Muḥammad Mahdī Mūsavī. *Aḥsan al-Wadī'a*. Najaf: Ḥaydariya, 1387/1967.
- I'timād al-Salṭana, Muḥammad Ḥasan. *Khalsa: Mashūr bi Khwābnāma*. Ed. Maḥmūd Katīrā'ī. Tehran: Ṭahūrī, 1969.
- Ivanov, Vladimir Alekseevitch. "Early Shi'ite Movements." *Journal of the Bombay Branch of the Royal Asiatic Society* 17 (1941), pp. 1-23.
- Jafri, Husain. *Origins and Early Development of Shi'a Islam*. New York: Longman, 1979.

- Jannā'ī, Muḥammad Ibrāhīm. "Advār-i Kayfiyat-i Bayān-i Fiqh." *Kayhān-i Andīsha* 3 (1986), pp. 8-22.
- _____. "Ghalaba-yi Ijtihād bar Akhbārīgari." *Kayhān-i Andīsha* 14 (1987), pp. 4-25.
- _____. "Ijtihad dar Jāmi'a-yi Islāmī." *Kayhān-i Andīsha* 10 (1986), pp. 6-18.
- _____. "Maṣādiq-i A'lam az Āghāz-i Ghaybat tā Kunūn." *Kayhān-i Andīsha* 7 (1986), pp. 10-20.
- _____. "Qiyām-i Akhbārīhā 'alayhi Ijtihād." *Kayhān-i Andīsha* 13 (1987), pp. 2-22.
- _____. "Sayrī dar Advār-i Fiqh." *Kayhān-i Andīsha* 2 (1985), pp. 7-29.
- _____. "Sayr-i Tārīkhī-yi Taqlīd az A'lam." *Kayhān-i Andīsha* 6 (1986), pp. 17-34.
- Jazā'irī, Ni'matallāh. *al-Anwār al-Nu'māniya*. 4 vols. Tabriz: Shirkat chāp, 1962.
- Juwaynī, Imām al-Ḥaramayn Abu'l Ma'ālī 'Abd al-Malik b. Abī Muḥammad. *al-Burhān fī Uṣūl al-Fiqh*. 4 vols. Ed. 'Abd al-'Azīm al-Dīb. Cairo: Dār al-Anṣār, 1980.
- _____. *Ghiyāth al-Umam*. Qatar: University of Qatar, 1980.
- Kafā'ī, 'Abdul-Ḥusayn Majīd. *Margī dar Nūr*. Tehran: Zuvvār, 1980.
- Karakī, 'Alī b. al-Husayn. *Jāmi' al-Maqāṣid fī Sharḥ al-Qawā'id*. 15 vols. Qum: Āl al-Bayt, 1988+.
- Kāshif al-Ghiṭā', Shaykh Ja'far al-Najafī. *Khātimat al-Qawā'id*. Together with *al-Ḥaqq al-Mubīn*. Iran: Lithograph, 1898.
- _____. *Kashf al-Ghiṭā'*. Tehran: Lithograph, 1317/1899.
- Kāshif al-Ghiṭā', 'Alī b. Muḥammad Riḍā. *Adwār 'Ilm al-Uṣūl wa Aṭwāruhū*. Beirut: Dār al-Zahrā', 1979.
- Kāshifī Sabzavārī, Ḥusayn Vā'iz. *Futurvat Nāma-yi Sulṭānī*. Ed. M. J. Mahjūb. Tehran: Bunyād Farhang Irān, 1971.
- Kashmīrī, Muḥammad Mahdī Kahnumū'ī. *Nujūm al-Samā'*. Qum: Baṣiratī, 1396/1976.
- Kasravī, Aḥmad. *Musha'sha'iyān*. Tehran: Paymān, 1945.
- Kasravī, Aḥmad. *Tārīkh Mashrūṭa-yi Irān*. 2 vols. Tehran: Amīr Kabīr, 1951.
- Kāzīmī Isfāhānī, Muḥammad Mahdī. *Aḥsan al-Wadī'a*. Najaf: Ḥaydariya, 1387/1968.
- Kazemi Moussavi, Aḥmad. "The Establishment of the Position of *Marja'-i Taqlīd*." *Iranian Studies* 18 (1985), pp. 35-54.
- Keddie, Nikki. *Iran, Religion, Politics and Society*. London: Frank Cass, 1980.

_____. *Roots of Revolution: An Interpretive History of Modern Iran*, New Haven and London: Yale University Press, 1981.

_____. "The Roots of the Ulama's Power in Iran." In *Scholars, Saints, and Sufis*. Berkeley: University of California Press, 1972, pp. 211-229.

Khaliṣī, ʿAbbās. *Tārīkhcha-yi Bast va Bastnishini*. Tehran: ʿIlī 1987.

Khalkhālī, Muḥammad Maḥdī Mūsavī. *Ḥākimiyyat dar Islām*. Tehran: Āfāq, 1984.

Khwāndamīr, Ghiyāth al-Dīn. *Tārīkh Ḥabīb al-Siyar*. 4 vols. Tehran: Khayyām, 1954.

Khāraqānī, Asadullāh Mūsavī. *Maḥw al-Mawḥūm wa Saḥw al-Maʿlūm*. Tehran: Nūr Muḥammadī, n.d.

Khomeini, Rūḥullāh. *al-Bayʿ*. Tehran: Vizārat-i Irshād, 1987.

_____. *al-Rasāʾil Tashtarnīl ʿalā Mabāḥith*. 2 vols. Qum: Maṭbaʿa Qalamīya, 1965.

_____. *Taḥrīr al-Wasīla*. 2 vols. Najaf: Maṭbaʿat al-Ādāb, 1964-78.

_____. *Vilāyat-i Faqīh*. Tehran: Amīr Kabīr, 1979.

Khwānsārī, Muḥammad Bāqir. *Rawḍāt al-Jannāt*. 8 vols. Qum: Ismaʿīliyyān, 1980.

_____. *Rawḍāt al-Jannāt*. 8 vols. Trans. Muḥammad Bāqir Saʿīdī Khurāsānī. Qum: Ismaʿīliyyān, 1980.

Kirmānī, Muḥammad Karīm Khān. *Irshād al-ʿAwāmm*. 4 vols. 4th ed. Kirman: Saʿādat, n.d.

Kirmānī, Nāẓim al-Islām. *Tārīkh-i Bīdārī-yi Īrāniyān*. 2 vols. Tehran: Ibn Sīnā, 1324/1945.

Kohlberg, Etan. "Aspects of Akhbari Thought in the Seventeenth and Eighteenth Centuries." In *Eighteenth Century Renewal and Reform in Islam*. Ed. Nehemia Levitzion and John Voll. Syracuse: Syracuse University Press, 1987, pp. 133-160.

_____. "Aḵbārīya" *Encyclopaedia Iranica*. London, Boston and Henley: Routledge & Kegan Paul, 1988, v. 1, F.7., pp. 716-718.

_____. "al-Uṣūl al-Arbaʿu Miʿa" *Jerusalem Studies in Arabia and Islam* 10 (1987), pp. 128-65.

Kulaynī, Muḥammad b. Yaʿqūb al-Rāzī. *Al-Furūʿ min al-Kāfī*. 7 vols. Tehran: Islāmīya, 1378/1958.

_____. *al-Rawḍa min al-Kāfī*. Ed. Sayyid Ḥāshim Raṣūlī. 7 vols. Tehran: ʿIlmiyya Islāmīya, 1971.

_____. *al-Uṣūl min al-Kāfī*. 4 vols. Ed. M.B. Kamaraʾī. Tehran: Islāmīya, 1962.

- _____. *al-Uṣūl min al-Kāfi*. 4 vols. Ed. by Javād Muṣṭafavī. Tehran: Ahl Bayt, 1969.
- Kaykāvūs b. Vushmgīr. *Qābūs Nāma*. Ed. S.Nafīsī. Tehran: Furūghī, 1963.
- Lambton, Ann. "Concepts of Authority in Persia: Eleventh to Nineteenth Centuries A.D." *Iran* 26 (1988), pp. 95-103.
- _____. "Islamic Society in Persia." An inaugural lecture delivered on 9 March 1954. London: School of Oriental and African Studies, 1954.
- _____. "A Nineteenth Century View of Jihād." *Studia Islamica* 32 (1970), pp.181-192.
- _____. "A Reconsideration of the Position of the *Marja' al-Taqlīd* and the Religious Institution." *Studia Islamica* 20 (1964), pp.115-135.
- _____. "Some New Trends in Islamic Political Thought in Late 18th and Early 19th Century Persia." *Studia Islamica* 39 (1974), pp.95-128.
- _____. "Some Reflections on the Persian Theory of Government." *Studia Islamica* 6 (1956), pp.125-146.
- _____. *State and Government in Medieval Islam*. London: Oxford University Press, 1981.
- Landolt, Hermann. "Der Briefwechsel zwischen Kāṣānī und Simnānī über Waḥdat al-Wuḡūd." *Der Islam* 50 (1973), pp. 475-486.
- _____. "Suhrawardi's 'Tales of Initiation.'" *Journal of the American Oriental Society* 107 (1987), pp. 475-486.
- _____. "Walāya." *Encyclopaedia of Religion*, v. 15. New York & London: Macmillan, 1987, pp. 316-323.
- Lawson, Todd. "The Qur'an Commentary of Sayyid 'Alī Muḥammad the Bāb." Ph. D. Montreal: McGill, 1987.
- Little, Donald P. "The Nature of Khānqāhs, Ribāṭs, and Zāwiyas under the Mamlūks." *Islamic Studies Presented to Charles J. Adams*. Editors: W.Hallaq & D.Little. Leiden & New York: E.J.Brill, 1991. pp.91-107.
- Madelung, Wilferd. "Akhbāriyya." *Encyclopædia of Islam*. Leiden: E. J. Brill, 1980, Supplement 1-2, pp. 56-57.
- _____. "Authority in Twelver Shi'ism in the Absence of the Imam." *La notion d'autorité au Moyen Age: Islam, Byzance, Occident*. Ed. George Makdisi and Janine Sourdel Thomine. Paris: Presses Universitaires de France, 1982. pp.163-73.
- _____. "al-Mahdī." *Encyclopædia of Islam*. New Edition. Leiden: E. J. Brill, 1985+, v. 5, F.97-98., pp. 1230-1238.
- _____. *Religious Schools and Sects in Medieval Islam*. London: Variorum Reprints, 1985.

- _____. *Religious Trends in Early Islamic Iran*. Albany: Persian Heritage Foundation, 1988.
- Maḥfūẓ, Ḥusayn ʿAlī. *Sīrat al-Shaykh Aḥmad al-Aḥsāʾī*. Baghdad: al-Maʿārif, 1957.
- Maḥjūb, Muḥammad Jaʿfar. "The Evolution of Popular Eulogy of the Imams Among the Shiʿa." Trans. John Perez. In *Authority and Political Culture in Shiʿism*. Ed. Said Amir Arjomand. Albany: State University of New York Press, 1988, pp. 25-54.
- Majlisī, Muḥammad Bāqir. *ʿAyn al-Ḥayāt*. Tehran: Shirkat Kitāb, 1952.
- _____. *Biḥār al-Anwār*. 110 vols. Beirut: Muʿassasat al-Wāfī, 1983.
- _____. *Ḥaqq al-Yaqīn*. Tehran: Muʿtamidī, 1241/1825.
- _____. *Ḥayāt al-Qulūb*. Tehran: Islāmīya, 1954.
- _____. *Ḥudūd va Qisāṣ va Diyāt*. Tehran: Nashr Athār Islāmī, 1984.
- _____. *Jawāhir al-ʿUqūl*. Tehran: Lithograph, 1885.
- _____. *Tadhkirat al-Aʿimma*. Tehran: Lithograph, Kārkhāna Allahqulī Khān, n.d.
- _____. *Tuḥfat al-Zāʾir*. Tehran: Mashhadī Muḥammad ʿAlī, 1312/1894.
- _____. *Zād al-Maʿād*. Tehran: Lithoprint, 1306/1888.
- Majlisī, Muḥammad Taqī. *Lawāmiʿ-i Ṣāhibqarānī al-Mushtahar bi Sharḥ al-Faqīh*. 2 vols. Tehran: ʿIlm, n.d.
- _____. *Risāla-yi Tashvīq-i Sālikīn*. Together with *Risāla-yi Suʾāl va Jawāb*. Tabriz: n.p., 1953.
- Makārim Shīrāzī, Nāṣir. "Muṣāḥiba bā Āyatullāh Makārim Shīrāzī". *Ḥawza*. 43-44 (Mars-July 1991) Qum. pp. 258-68.
- Malcolm, Sir John. *Tārīkh-i Irān*. 2 vols. Trans. Mirzā Ḥayrat. Tehran: Saʿdī, n.d.
- Marsot, Afaf Lutfi al-Sayyid. "The Political and Economic Functions of the ʿUlamā in the 18th century," *Journal of the Economic and Social History of the Orient* 16 (1973), pp. 130-153.
- Massignon, Louis. "Ṭarīqa." *Encyclopædia of Islam*. Leiden: E. J. Brill, 1934, vol. 4, pp. 667-672.
- _____. *The Passion of al-Hallāj: Mystic and Martyr of Islam*. 4 vols. Trans. Herbert Mason. Princeton: Princeton University Press, 1982.
- Maʿṣūm ʿAlī Shāh Naʾib al-Ṣadr. *Ṭarāʾiq al-Ḥaqāʾiq*. 3 vols. Tehran: Bārānī, 1960.

- Matīnī, Jalāl. "Baḥthī dar Bāra-yi Alqāb va 'Anāvin-i 'Ulamā dar Madhhab-i Shi'a." *Iran Nameh* 4 (1983), pp. 560-608.
- Māwardī, Abu'l Ḥasan 'Alī b. Muḥammad b. Ḥabīb. *al-Aḥkām al-Sulṭāniya*. Ed. M. Engerl Bonn: Apud Adolphum Marcum, 1850.
- Mazzaoui, Michel. *The Origins of the Safawids*. Wiesbaden: Franz Steirer Verlag GMBH, 1972.
- McDermott, Martin. *The Theology of al-Mufid*. Beirut: Dār al-Machriq, 1978.
- Modarresi Tabataba'i, Hossein. *An Introduction to Shi'i Law*. London: Ithaca Press, 1984.
- _____. *Kharāj in Islamic Law*. London: n.p., 1983.
- Momen, Moojan. *An Introduction to Shi'i Islam: The History and Doctrines of Twelver Shi'ism*. New Haven and London: Yale University Press, 1955.
- Morris, J.W. *The Wisdom of the Throne*. Princeton: Princeton University Press, 1981.
- Mottahedeh, Roy. *Loyalty and Leadership in an Early Islamic Society*. Princeton: Princeton University Press, 1980.
- Mozaffari, Mehdi. *Authority in Islam*. Trans by Michel Yale. Armonk, New York and London: M. E. Sharpe Inc., 1987.
- Muẓaffar, Muḥammad Riḍā. *Uṣūl al-Fiqh*. 3 vols. Najaf: Amīn, 1962.
- Mudarris Khiyābānī, Muḥammad 'Alī. *Rayḥānat al-Adab*. 8 vols. Tehran: Khayyām, 1967.
- Mudarrisi Zanjānī, Muḥammad. *Sarguzasht va 'Aqā'id-i Falsafi-yi Khwāja Naṣir-i Ṭūsī*. Tehran: Dānishgāh, 1956.
- Mufid, Muḥammad b. Nu'mān. *al-Ikhtisās*. Tehran: Maktaba Ṣadūq, 1960.
- _____. *al-Muqni'a fi'l-Uṣūl wa'l-Furū'*. Qum: Mar'ashī Litho-reprint, 1984.
- Muḥaqqiq al-Hillī, Najm al-Dīn Ja'far b. Ḥasan. *Ma'ārij al-Uṣūl*. Tehran: Lithoprint, 1892.
- _____. *Sharāyi' al-Islām*. Tehran: 'Ilmiya Islāmiya, 1957.
- Murtaḍā, Abu'l-Qāsim 'Alī b. al-Husayn al-Mūsawī. *al-Dhari'a ilā Uṣūl al-Shi'a*. 2 vols. Ed. A. Gurjī. Tehran: Dānishgāh, 1967.
- Muṣaddiq, Muḥammad. *Khāṣirāt va Ta'ammulāt*. Ed. Iraj Afshār Tehran: Intishārāt 'Ilmī, 1986.
- Muslim b. Ḥajjāj b. Muslim al-Qurashī. *Ṣaḥīḥ*. 8 vols. Cairo: Ṣabīḥ, 1915.

- Muṭahhari, Murtaḍā. *Āshnā'i bā 'Ulūm-i Islāmī*. Tehran: Intishārāt Ṣadrā, 1979.
- _____. *Baḥthi dar Bāra-yi Marja'iyat va Rūḥāniyat*. Tehran: Shirkat Intishār, 1962.
- Nafisi, Sa'īd. *Tārīkh-i Ijtimā'i va Siyāsī-yi Irān*. 2 vols. Tehran: Intishārāt Bunyād, 1965.
- Najafi, Shaykh Muḥammad Ḥasan. *Jawāhir al-Kalām*, 43 vols. Najaf: Dār al-Kutub al-Islāmiya, 1958.
- Naraqī, Mullā Aḥmad b. Maḥdī. *Awā'id al-Ayyām*. Qum: Maktaba Baṣīratī, 1903.
- _____. *Mathnavi Tāqdis*. Tehran: Amīr Kabīr, 1983.
- _____. *Mi'rāj al-Sa'āda*. Tehran: Lithoprint, 1281/1864.
- Naraqī, Ḥasan. *Tārīkh-i Ijtimā'i-yi Kāshān*. Tehran: Anjuman Āthār Millī, 1969.
- Nasafi, 'Azīz al-Dīn b. Muḥammad. *Majmū'a-yi Rasā'il Mashhūr bi Kitāb al-Insān al-Kāmil*. Ed. M. Molé. Tehran: Institut Franco-Iranien, 1962.
- Navā'i, 'Abdul-Ḥusayn. "Ḥājj Muḥammad Karīm Khān Kirmānī." *Yādgar* 4-5 (Nov 1944-Jan 1945), pp. 106-118., and 6-7 (Jan 1945-Feb 1945), pp. 62-73.
- Newman, Andrew. "The Development and Political Significance of the Rational Usuli and Traditional Akhbari Schools in Imami Shi'i History from the Third/Ninth to the Tenth/Sixteen Century." Ph.D. Dissertation, University of California, 1986.
- _____. "Towards a Reconsideration of the 'Isfahan School of Philosophy': Shaykh Bahā'i and the role of the Safawid Ulama." *Studia Iranica* 15 (1986), pp. 165-199.
- Nā'inī, Muḥammad Ḥusayn. *Tanbīh al-Umma wa Tanzīh al-Milla*. Ed. Maḥmūd Ṭāliqānī. Tehran: Shirkat Intishārāt Kitāb, 1955.
- Nāfiq, Humā. "Sarāghāz-i Iqtidār-i Iqtisādī va Siyāsī-yi Mullāyān." *Alifbā* 2 (1983), pp. 40-56.
- _____. *Irān dar Rāhyābi-yi Farhangī 1834-1848*. London: Payām, 1988.
- Nūrī, Shaykh Faḍlullāh. *Majmū'a-yi Rasā'il, Islāmiyahā, Maktūbāt va Rūznāma*. 3 vols. Ed. M. Turkamān. Tehran: Rasā, 1983.
- Petrushevski, Ilia Pavlovich. *Islām dar Irān*. Trans. by Karīm Kishāvarz. Tehran: Payām, 1971.
- Pirnazar, Saeed. "Non-Corporate Groups and Political Development in Developing Areas." Ph.D. Dissertation. University of Kansas, 1982.
- Qā'im Maqām, Mīrzā Buzurg. *Jihādīya*. Ed. Jahāngīr Qā'im Maqāmī. Tehran: Litho-reprint, 1234/1818.n.p.

- Qalamdārān, Ḥaydar ʿAlī. *Hukūmat dar Islām*. Tehran: Ismāʿīliyān, 1965.
- Qazwīnī al-Rāzī, ʿAbd al-Jalīl. *Kitāb al-Naqd*. Tehran: Sipīhr, 1952.
- Qummī, Mūrzā Abū'l-Qāsim. *Qawānīn al-Uṣūl*. Tehran: Lithoprint, 1378/1958.
- Qummī, Shaykh ʿAbbās, *al-Kunā wa'l-Alqāb*. Najaf: Ḥaydariya, 1956.
- _____. *Mafātiḥ al-Janān*. Tehran: Nashr Farhang Islam, 1985.
- Radtke, Bernd. *al-Ḥakīm al-Tirmidhī: Ein islamischer Theosoph*. Freiburg: K.S.V., 1980.
- Rafati, Vahid. "The Development of Shaykhi Thought in Shīʿī Islam." Ph.D. Dissertation, University of California, 1979.
- Rahīmzāda Ṣafavī, *Sharḥ-i Janghā va Zindagānī-yi Shāh Ismāʿīl*. Tehran: Khayyām, 1962.
- Rahman, Fazlur. *The Philosophy of Mullā Ṣadrā*. Albany: State University of New York Press, 1975.
- Rashtī, Sayyid Kāzīm. *Dalīl al-Mutaḥayyirīn*. Trans. Zayn al-ʿAbidīn Ibrāhīmī. Kirman: Saʿādat, n.d.
- _____. *Uṣūl-i ʿAqāʾid*. Tehran: Litho, 1274.
- Razavī Sharīf, Niʿmatullah, *Tadhkirat al-Awliyāʾ, fī Sharḥ Aḥwāl...al-Ḥajj Muḥammad Karīm Khān al-Kirmānī*. Bombay: Maṭbaʿa Nāṣirī, 1313.
- Rāzī, Fakhr al-Dīn, Muḥammad b.ʿUmar. *al-Maḥṣūl*. 2 vols in 6 facsim. Riyāḍ: Ibn Saʿūd University, 1979.
- Rūḥānī, Sayyid Ḥamid. *Nihzat-i Imām Khumaynī*. Tehran: Rāh-i imām, 1982.
- Rūḥānī, Sayyid Kāzīm. "Aṣnāf va Pīshavarān." *Kayhān-i Andīsha* 19 (1988), pp. 93-104.
- _____. "Aṣnāf va Pīshavarān dar ʿAṣr-i Ṣafavī." *Kayhān-i Andīsha* 14 (1987), pp. 91-96.
- _____. "Aṣnāf va Pīshavarān dar Tārīkh-i Īrān" *Kayhān-i Andīsha* 11 (1987), pp. 70-83.
- Saʿādat Nūrī, Ḥusayn. *Rijāl-i Dawra-yi Qājār*. Tehran: Intishārāt Vahīd, 1985.
- Ṣābitiyān, Z. *Asnād va Nāmāhā-yi Tārīkhī-yi Dawra-yi Ṣafavī*. Tehran: Ibn Sīnā, 1964.
- Sachedina, Abdulaziz. *Islamic Messianism*. Albany: State University of New York, 1981.
- _____. *The Just Ruler (al-Sultān al-ʿAdīl) in Shiʿite Islam*. New York and Oxford: Oxford University Press, 1988.
- Ṣadr, Muḥammad Bāqir. *al-Maʿālim al-Jadīda li'l-Uṣūl*. Najaf: Nuʿmānī, 1965.

- Şālihī Najafābādī, Niʿmatullāh. *Vilāyat-i Faqīh: Hukūmat-i Şālihān*. Tehran: Rasā, 1984.
- Şarrāf, Murtaẓā. *Rasā'il-i Javānmardān*. Tehran: Institut Franco-Iranien, 1973.
- Savory, Roger. "The Safavid Administrative System". *The Cambridge History of Iran*. vol.6. Ed. P.Jackson. London & New York: the Cambridge University Press, 1986. pp.351-72.
- _____. *Iran Under the Safavids*. London: Cambridge University Press, 1980.
- Schacht, Joseph. *The Origin of Muhammedan Jurisprudence*. Oxford: Clarendon Press, 1959.
- Shahrastānī, Muḥammad b. ʿAbd al-Karīm. *al-Milal wa'l-Niḥal*. 2 vols. Cairo: Maktaba Angelo, 1956.
- Shahīd al-Awwal, Muḥammad b. Jamāl al-Dīn. *al-Qawā'id wa'l-Fawā'id*. Ed. ʿAbd al-Hādī al-Ḥakīm. 2 vols. Qum: al-Mufid, 1979.
- Shahīd al-Thānī, Zayn al-Dīn al-ʿĀmilī. *al-Rawḍa'l-Bahīya fī Sharḥ al-Lum'at al-Dimishqīya*. 2 vols. Tehran: ʿIlmiya Islamiya, 1929.
- Sharīf Kāshānī, Mullā Ḥabībullāh. *Lubāb al-Albāb*. Tehran: Buzarjumihrī, 1958.
- Sharīf al-Raḍī, Muḥammad b. al-Ḥusayn al-Mūsawī. *Nahj al-Balāgha*. Ed. Muftī Jaʿfar Ḥusaynī. Qum: Barrasiḥā-yi Islāmī, 1975.
- _____. *Nahj al-Balāgha*. ed. Muḥammad ʿAbduh. 3 vols in 1. Miṣr: Maktabat al-Tijāniya al-Kubrā, n.d.
- Shaybī, Muṣṭafā Kāmil. *al-Şila bayn al-Taşawwuf wa'l-Tashayyuf*. 2nd edition. Cairo: Dār al-Maʿārif, 1969.
- Shihābī, Maḥmūd. *Advār-i Fiqh*. 3 vols. Tehran: Dānishgāh, 1961.
- _____. *Taqrīrāt-i Uşul*. Tehran: Farbud, 1965.
- Shirāzī, Muḥammad b. Ibrāhīm Mullā Şadrā. *al-Ḥikma'l-Mutaʿaliya fī'l-Asfār al-ʿAqliya'l-Arbaʿa*. 4 vols. Tehran: Dār al-Maʿārif, 1958.
- _____. *al-Ḥikma'l-Arshīya*. Ed. G. Āhanī. Isfahan: Shahriyār, 1962.
- _____. *Kasr Aşnām al-Jāhiliya*. Ed. M.T. Dānishpazhūh. Tehran: Dānishgāh, 1962.
- _____. *Risāla-yi Si Aşl*. Ed. S. H. Nasr. Tehran: Dānishgāh, 1961.
- _____. *Sharḥ Uşul al-Kāfi*. "Kitāb al-Ḥujja, Kitāb al-ʿAql wa'l-Jahl". Tehran: Litho-reprint, n.d.
- _____. *al-Shawāhid al-Rubūbiya*. Ed. S. J. Āshriyānī. Mashhad: Dānishgāh, 1967.

- Shirāzi, Sayyid Muḥammad al-Ḥusaynī. *al-Fiqh*. 109 vols. Beirut: Dār al-ʿUlūm, 1987.
- Shushtarī, Qāḍī Nūrullah. *Majālis al-Mu'minīn*. Tehran: Islāmīya, 1955.
- Sipihr, Muḥammad Taqī Lisān al-Mulk. *Nāsikh al-Tawārikh: Salāṭīn-i Qājār*. 4 vols. Tehran: Islāmīya, 1967.
- Suhrawardī, Abū Hafṣ ʿUmar b. Muḥammad. *ʿAwārif al-Maʿārif*. Beirut: Dār al-Kutub, 1966.
- _____. "Futuvvat Nāma" in *Rasāʾil-i Javānmardān*. Ed. M. Šarrāf Tehran: Institut Franco-Iranien, 1973.
- Suyūrī, Faḍl Miqdād. *al-Bāb al-Hādī ʿAshr*. Ed. M. Muḥaqiq. Tehran: Dānishgāh, 1986.
- Tadhkirat al-Mulūk*, Ed. Vladimir Minorsky London: E. J. W. Gibb Memorial Series, n.s., 16, 1943.
- Tamīmī, al-Qāḍī al-Nuʿmān b. Muḥammad. *Daʿā'im al-Islām*. Ed. ʿArif Tāmir Beirut: Dār al-Thaqāfa, 1960.
- Taymūrī, Ibrāhīm. *Taḥrīm-i Tanbākū*. Tehran: Jibī, 1979.
- Tihrānī, Shaykh Āqā Buzurg. *al-Dhariʿa ilā Taṣānif al-Shiʿa*. 26 vols. Beirut: Dār al-Aḍwā, 1983.
- _____. *Ṭabaqāt Aʿlām al-Shiʿa*. 2 vols. Najaf: Maḥbaʿa ʿilmīya, 1954.
- Tirmidhī, Abū ʿAbd Allāh Muḥammad b. ʿAlī. "Ḥaqīqat al-Ādamīya." Ed. ʿAbd al-Muḥsin al-Ḥusaynī. *Revue de la Faculté des Lettres d'Alexandrie* 3 (1946)
- _____. *Khatm al-Awliyāʾ*. Ed. Uthmān Ismāʿīl Yaḥyā. Beirut: Catholique, 1969.
- Trimingham, Spencer. *The Sufi Orders in Islam*. London: Oxford University Press, 1971.
- Tunakābunī, Muḥammad b. Sulaymān. *Qīṣaṣ al-ʿUlamāʾ*. Tehran: ʿilmīya Islāmīya, n.d
- Turkamān, Iskandar Bayk. *Tārīkh-i ʿĀlamārā-yi ʿAbbāsī*. 2 vols. Ed. İraj Afshār. Tehran: Amīr Kabīr, 1956.
- Ṭūsī, Naṣīr al-Dīn. *Sharḥ Masʿalat al-ʿIlm*. Ed. ʿAbdullah Nūrānī. Mashhad: Dānishgāh, 1966.
- Ṭūsī, Shaykh al-Ṭāʾifa Muḥammad b. al-Ḥasan. *Kitāb al-Ghayba*. Ed. Āqā Buzurg Tihrānī Najaf: al-Šādiq, 1965.
- _____. *al-Iqtisād al-Hādī ilā Ṭarīq al-Rashād*. Qum: 1980.
- _____. *al-Istibṣār*. 2 vols. Najaf: Dār al-Kutub, 1956.

- _____. *al-Jumal wa'l-'Uqūd*. Mashhad: Dānishgāh, 1968.
- _____. *al-Mabsūṭ fī Fiqh al-Imāmiya*. Ed. Muḥammad Taqī Kāshifī. Tehran: Makataba Murtaḍawī, 1967.
- _____. *al-Nihāya fī Mujarrad al-Fiqh wa'l-Fatāwī*. Ed. and Trans. M.T. Dānishpazūh. Tehran: Dānishgāh, 1963.
- _____. *Tahdhīb al-Aḥkām*. 10 vols. Ed. Ḥ. Mūsavī al-Khursān. Najaf: Dār al-Kutub al-Islāmiya, 1959-62.
- _____. *'Uddat al-Uṣūl*. 2 vols. Najaf: Āl al-Bayt, 1983.
- Varahrām, Ghulām Rizā. *Nizām-i Siyāsī va Sāzmānhā-yi Ijtimā'ī-yi Īrān dar 'Aṣr-i Qājār*. Tehran: Intishārāt Mu'īn, 1988.
- Wardī, 'Alī. *Lamahāt Ijtimā'īya min Tārīkh al-'Irāq al-Ḥadīth*. 6 vols. Baghdad: Maṭba'at al-Irshād, 1969.
- Yazdī, Muḥammad Kāzīm Ṭabāṭabā'ī. *al-'Urwa l-Wuthqā*. Tehran: Dār al-Kutub al-Islāmiya, n.d.